

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

REPORT ON STATE LEGISLATION

REPORT NO. 4

November 2009

ALASKA SB 170 ENACTED May 25, 2009
 (CH 27) EFFECTIVE May 25, 2009, or as noted

Coverage

Amends the definition of “employing unit” to include service performed for an Indian tribe, resulting in unemployment insurance coverage of such services and to exclude coverage of certain services.

Excludes from the definition of “employment” service performed in the employ of a federally recognized tribe in Alaska if performed in the exercise of duties as an officer of the federally recognized tribe and meets the requirements of federal law.

Allows an Indian tribe to either pay contributions or to elect to make reimbursements. (Election of reimbursements payments is effective January 1 after effective date of this act.)

May require an Indian tribe that elects to make reimbursement to execute and file a surety bond or deposit money or securities.

Under certain circumstances, terminates the reimbursement election when a tribe fails to make the required payments until a time provided by the department.

Requires extended benefits not reimbursed by the Federal government to be financed in their entirety by the Indian tribe.

COLORADO SB 76 ENACTED June 2, 2009
 (CH 409) EFFECTIVE July 1, 2009

Financing

Deletes the paragraph which: annually establishes a surcharge based on benefits paid and not chargeable to any employer’s account; calculates the surcharge tax rate by dividing the benefits not changed by the total taxable payroll; allocates 50 percent to the unemployment compensation fund (UCF) and 50 percent to the employment support fund; and adds the surcharge tax rate to employer’s standard or computed tax rate with 80 percent of the surcharge tax revenues considered as revenues for calculating the tax surcharge and which will be the employer’s tax rate for the ensuing calendar year.

Provides that the surcharge tax established must be segregated and deposited in the employment support fund. (Formerly only 50 percent was deposited in such fund.)

Provides that, effective calendar year 2009, allocates 30 percent (previously 50 percent) of the annual surcharge tax rate to the UCF (previously general fund), 50 percent to the employment support fund, and 20 percent to the employment and training technology fund.

Provides that, effective January 1, 2017, allocates 50 percent of the surcharge tax rate to the UCF and 50 percent to the employment support fund.

Provides, notwithstanding any provision to the contrary, beginning July 1, 2009, through December 31, 2016, 20 percent of the surcharge tax must be credited to the employment and training technology fund, which is hereby created in the State treasury. Moneys in such fund must: be used for employment and training automation initiatives, be subject to annual appropriation, must not revert to the general fund or any other fund at the end of any fiscal year, and be exempt from limitations on uncommitted reserves. If the balance of the UCF falls below \$25 million, the moneys in the employment and training technology fund must be allocated to the UCF. At any other time, the moneys in the employment and training technology fund may be allocated to the UCF at the discretion of the Executive Director of the Department of Labor and Employment.

COLORADO

SB 258
(CH 250)

ENACTED May 14, 2009
EFFECTIVE August 5, 2009

Administration

Provides that notwithstanding certain other provisions of law, an employee leasing company must be considered an employing unit or the coemployer of a work-site employer's employees if, pursuant to an employee leasing company contract with the work-site employer, it has the following rights and responsibilities:

- Each employee leasing company must pay wages and collect, report, and pay all payroll-related taxes from its own accounts for all covered employees. Each employee leasing company must be responsible for the payment of unemployment compensation insurance taxes and provide, maintain, and secure all records and documents required of work-site employers under the Colorado unemployment insurance laws for covered employees.
- No later than September 30, 2009, each employee leasing company must notify the division of unemployment insurance as to whether the employee leasing company elects to report and pay unemployment insurance taxes as the employing unit under its own unemployment accounts and tax rates or whether it elects to report unemployment taxes attributable to covered employees under the respective unemployment accounts and tax rates for each work-site employer. Under either election, the employee leasing company will have the responsibility for unemployment compensation insurance as required of an employer pursuant to the Colorado unemployment insurance law. If the employee leasing company fails to make an election, the employee leasing company must report

Changes the pension offset provision to provide that the weekly benefit amount will not be reduced due to receipt of Federal Social Security retirement benefits (previously the reduction was 50 percent).

DELAWARE

HB 170
(CH 71)

ENACTED July 1, 2009
EFFECTIVE January 3, 2010

Financing

Provides that wage credits for individuals who quit to accompany spouse or to care for a family member with an illness or a disability will not constitute employer's benefit wages. Wage credits related to discharge for individuals who intend to quit to accompany spouse, care for a family member with an illness or a disability, or are discharged due to circumstances related to verified domestic violence will constitute benefit wages for the employer.

Monetary Entitlement

Provides that if individuals would not be eligible for benefits because of use of a base period consisting of the first 4 of the last 5 completed calendar quarters, then their eligibility will be determined using a base period that includes the last 4 completed calendar quarters.

Nonmonetary Eligibility

Provides that individuals will not be disqualified from receiving benefits due to separation from employment if that separation is for a compelling family reason. Compelling family reason means:

- domestic violence verified by documentation which causes individuals to reasonably believe continued employment would jeopardize their or any immediate family members' safety;
- the illness or disability of a member of the individuals' immediate family; or
- the need for individuals to accompany their spouse to a place from which it is impractical for them to commute and due to a change in location of the spouse's employment.

Provides that individuals will not be denied from receiving benefits under provisions relating to availability for work, active search for work, or refusal to accept work solely because they are seeking only part-time work if a majority of the weeks of work in their base period includes part-time work. Part time work is defined as one of the following: willing to work at least 20 hours per week, available for a number of hours comparable to the part-time work in the base period, or available for hours comparable to the most recent separation.

FLORIDA SB 810
(CH 99)

ENACTED June 1, 2009
EFFECTIVE June 1, 2009, or as noted

Extensions and Special Programs

Adopts the optional extended benefits (EB) “on” 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 providing for up to 13 weeks of EB. Provides for a high unemployment period when the TUR reaches or exceeds 8 percent and the 110 percent reach back requirement is met for up to an additional 7 weeks of EB. (Effective for weeks of unemployment beginning on or after February 1, 2009, and ending on or before December 12, 2009.)

Provides that notwithstanding any other provisions of law, if the benefit year (BY) ends within an EB period, the entitlement to the number of weeks of EB in the EB period for weeks of unemployment beginning after the end of the BY is reduced, but not to below zero, by the number of weeks of trade readjustment allowances received within that BY.

Provides that these EB provisions apply to claims for weeks of unemployment to which EB entitlement is established for the period between February 22, 2009, and January 2, 2010, and this temporary EB program is effective June 1, 2009, and retroactive to February 1, 2009, and expiring January 2, 2010.

Financing

Increases the taxable wage base from \$7,000 to \$8,500 effective January 1, 2010. Decreases the taxable wage base from \$8,500 to \$7,000 effective January 1, 2015.

Requires advances/loans requested by the Governor from the Federal Unemployment Trust Fund to be credited to the State’s Unemployment Trust fund.

Provides that, effective January 1, 2010, if the balance of the Unemployment Compensation Trust Fund on June 30 of the calendar year immediately preceding the calendar year for which the contribution rate is being computed is less than 4 (previously 3.7) percent of the taxable payrolls for the year ending June 30, a positive adjustment factor must be computed by dividing the sum of the total taxable payrolls for the year ending June 30 of the current calendar year into a sum equal to one-third (previously one-fourth) of the difference between the balance of the fund as of June 30 of that calendar year and the sum of 5 (previously 4.7) percent of the total taxable payrolls for that year. The positive adjustment factor remains in effect for subsequent years until the balance of the Unemployment Compensation Trust Fund as of June 30 of the year immediately preceding the effective date of the contribution rate equals or exceeds 5 (previously 3.7) percent of the taxable payrolls for the year ending June 30. Beginning January 1, 2015, and for each year thereafter, the positive adjustment authorized must be computed by dividing the sum of the total taxable payrolls for the year ending June 30 of the current calendar year into a sum equal to one-fourth of the difference between the balance of the fund as of June 30 of that calendar year and the sum of 5 percent of the total taxable payrolls for that year. The positive adjustment factor remains in effect for subsequent years until the balance of the Unemployment Compensation Trust Fund as of June 30 of the year immediately preceding the effective date of the contribution rate equals or exceeds 4 percent of the taxable payrolls for the year ending June 30 of the current calendar year.

Provides that if, beginning January 1, 2015, and each year thereafter, the balance of the Unemployment Compensation Trust Fund as of June 30 of the year immediately preceding the calendar year for which the contribution rate is being computed exceeds 5 (previously 4.7) percent of the taxable payrolls for the year ending June 30 of the current calendar year, a negative adjustment factor must be computed. The negative adjustment factor must be computed annually beginning on January 1, 2015, and each year thereafter, by dividing the sum of the total taxable payrolls for the year ending June 30 of the current calendar year into a sum equal to one-fourth of the difference between the balance of the fund as of June 30 of the current calendar year and 5 (previously 4.7) percent of the total taxable payrolls of that year. The negative adjustment factor remains in effect for subsequent years until the balance of the Unemployment Compensation Trust Fund as of June 30 of the year immediately preceding the effective date of the contribution rate is less than 5 (previously 4.7) percent, but more than 4 (previously 3.7) percent of the taxable payrolls for the year ending June 30 of the current calendar year. This authorized negative adjustment is suspended in any calendar year in which repayment of the principal amount of an advance received from the Federal Unemployment Compensation Trust Fund is due to the Federal government.

Provides that as used above in calculating adjustment factors, "taxable payroll" excludes any part of remuneration paid to an individual by an employer for employment during a calendar year in excess of the first \$7,000.

Nonmonetary Eligibility

Provides that when individuals provide notification to the employing unit of intent to voluntarily leave work and the employing unit discharges individuals for reasons other than misconduct prior to the effective date of the voluntary quit, the individuals, if otherwise entitled, will receive benefits from the date of the employer's discharge until the effective date of the voluntary quit.

Provides that when individuals are notified by the employing unit of the employer's intent to discharge individuals for reasons other than misconduct and the individuals quit without good cause, prior to the date the discharge was to take effect, the claimants are ineligible for benefits for failing to be available for work for the week or weeks of unemployment occurring prior to the effective date of the discharge.

HAWAII	SB 1664 (Act No. 170)	ENACTED July 2, 2009 EFFECTIVE July 1, 2009
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Nonmonetary Eligibility

Clarifies and temporarily codifies in statute (through June 30, 2012) the existing partial unemployment provisions. Effective July 1, 2012, the Act will be repealed, and the statutory provisions will be reenacted as they existed on June 30, 2009.

HAWAII	SB 1568 (Act No. 171)	ENACTED July 2, 2009 EFFECTIVE July 1, 2009
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Nonmonetary Eligibility

Provides that individuals will not be denied from receiving benefits under provisions relating to availability for work, active search for work, or refusal to accept work solely because they are seeking only part-time work if a majority of the weeks of work in their base period include part-time work.

Provides that individuals will not be disqualified from receiving benefits due to separation from employment if that separation is for a compelling family reason. Compelling family reason means:

- domestic violence verified by documentation which causes individuals to reasonably believe continued employment would jeopardize their or minor child's safety;
- the illness or disability of a member of the individuals' immediate family; or
- the need for individuals to accompany their spouse to a place from which it is impractical for them to commute and due to a change in location of the spouse's employment.

IDAHO HB 335
 (CH 300)

ENACTED and EFFECTIVE May 7, 2009

Extensions and Special Programs

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.)

Effective for weeks of unemployment beginning on or after February 1, 2009. Provision ceases to be effective 4 weeks prior to the last week for which the Federal government pays 100 percent of most EB costs.

Expands the eligibility period to include weeks which begin in the EB period if an individual qualifies for 100 percent federally financed EB and the 100 percent federally financed EB period began on or before the individual exhausted rights to benefits under the Emergency Unemployment Compensation program of 2008.

KANSAS HB 2374
 (CH 129)

ENACTED May 20, 2009
EFFECTIVE January 1, 2010

Extensions and Special Programs

Provides for an additional benefit of up to 26 weeks for claimants who exhaust regular benefits, and who are enrolled in and making satisfactory progress in an approved training program.

Prohibits shared work claimants from qualifying for the additional benefit for 2 consecutive years after the training benefits expire.

Monetary Entitlement

Establishes an alternative base period for those individuals with insufficient base period wages to qualify for benefits. The alternate base period is the four most recently completed calendar quarters.

Nonmonetary Eligibility

Considers training programs authorized under the Workforce Investment Act of 1998 to be approved training.

An individual will not become eligible solely because the individual is seeking only part-time employment, provided the individual is available for a comparable number of hours per week as in the individual's part-time work experience in his/her base period.

KENTUCKY Rule 18798

ADOPTED April 27, 2009
EFFECTIVE February 1, 2009

Extensions and Special Programs

Emergency administrative regulation adopted 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.)

Effective for weeks of unemployment beginning on or after February 1, 2009. Provision ceases to be effective either on December 12, 2009 or at the end of the last day of the week ending 3 weeks prior to the last week for which the Federal government pays 100 percent of most EB costs, whichever is later.)

LOUISIANA HB 891
(Act No. 191)

ENACTED June 29, 2009
EFFECTIVE April 1, 2010

Administration

Provides that if an employer fails to file any payroll report in the manner prescribed or approved by the administrator for more than 20 days after the due date the employer may be assessed a

penalty. The penalty will be equal to 5 percent of the total amount due for the quarter or \$25, whichever is greater. If the failure continues for more than 30 days, an additional penalty of 5 percent of the total amount due for that quarter or \$25, whichever is greater will be assessed for each 30-day period or fraction thereof. The total penalty will not exceed 25 percent of the total amount due for the quarter or \$125, whichever is greater.

MAINE **HB 1025** **ENACTED and EFFECTIVE June 4, 2009**
 (CH 271)

Extensions and Special Programs

Repeals the provisions that provide that a dislocated worker in an approved training program is not entitled to benefits for a subsequent enrollment in any training program after initial enrollment, following the effective date of this paragraph and final termination of a training program approved under a state approved training program, the Trade Act of 1974, and Workforce Investment Act of 1998.

Modifies the definition of “dislocated worker” to include an individual who has been terminated or laid off from employment as a result of a reduction of operations at the individual’s place of employment.

Modifies the definition of “dislocated worker” to remove limitations to an individual who is eligible for or has exhausted his entitlement to unemployment, and who is unlikely to return to his previous industry or occupation.

Provides that the Commissioner must annually report on the number of persons participating in training while receiving extended unemployment benefits under those provisions during the report year who have previously completed a training program while receiving extended unemployment benefits under those provisions, including the length of time between those enrollments.

MASSACHUSETTS **SB 2061** **ENACTED and EFFECTIVE July 2, 2009**
 (CH 30)

Extensions and Special Programs

Amends the existing additional benefit program to provide 26 weeks (previously 18 weeks) of benefits to individuals in approved training. Adds “any period in which economic circumstances permit the provision of extended benefits or any other emergency benefits funded in whole or in part by the federal government” to the list of acceptable reasons to allow for the suspension of the requirement that individuals apply to the commissioner for approved training within 15 weeks of filing a new or continued claim.

Provides for additional ways to trigger “on” to the federal-state extended benefit (EB) program by either having:

- an insured unemployment rate (IUR) of 6 percent for the current week and the immediately 12 preceding weeks; or
- a seasonally adjusted total unemployment rate (TUR) for the most recent 3 months of at least 6.5 percent and that 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.) Effective for weeks of unemployment beginning on or after February 22, 2009. Provision ceases to be effective the week ending prior to the last week for which the Federal government pays 100 percent.

MINNESOTA	SB 1454 (CH 268)	ENACTED April 30, 2009 EFFECTIVE August 2, 2009 except as indicated
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Extensions and Special Programs

Modifies the Shared Work provisions as follows:

- Employer plan must include date of hire (must be at least a year before submitting agreement) for participating employees;
- Employees participating must work at least 20 hours per week (previously at least 24);
- Duration of the agreement must be at least 2 months;
- Plans may not be approved if employer has unemployment tax, reimbursement, interest fees or penalties due but unpaid; has the maximum experience rating, or is in a high-experience rating industry;
- An employer may cancel the agreement upon 7 days notice, must provide written notice to participating employees and may not enter into a new agreement for at least 60 calendar days.

MISSOURI	HB 1075	ENACTED June 12, 2009 EFFECTIVE June 12, 2009 or as noted
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Financing

Removes the language providing that the unpaid principal amount of any outstanding credit instruments, combined with the unpaid principal amount of any financing agreement entered into will not exceed \$450 million at any time. Removes all other language referring to the \$450 million limit on borrowing from credit instruments including interest.

Special Programs and Extensions

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.)

The TUR provision is effective for weeks of unemployment beginning on or after February 1, 2009, and ending on or before December 5, 2009.

NEBRASKA L 631 ENACTED and EFFECTIVE May 26, 2009

Administration

Clarifies provisions governing the release of confidential UI information.

Removes provision requiring the state advisory council to be consulted, prior to transferring money in the state unemployment insurance trust fund to the state's account in the Unemployment Trust Fund, if and when the state unemployment insurance tax ceases to exist.

Provides for three additional allowable uses for funds in the Nebraska Training and Support Trust Fund: 1) recruitment of workers to Nebraska; 2) training new employees of expanding Nebraska businesses; and 3) costs of creating a common web portal for the attraction of businesses and workers to Nebraska.

Modifies the composition of the Nebraska Worker Training Board to no longer require the representative of employers to be a member of the state advisory council.

Financing

Requires all employers with annual payroll of \$100,000 (previously \$500,000) to file their tax returns, wage reports, and pay their taxes or reimbursements owed using an electronic method approved by the Commissioner, beginning with calendar year 2010.

Removes the provision that allows the state advisory council to determine that a zero percent tax rate is in the best interests of preserving the state's account in the Unemployment Trust Fund.

Prohibits employers with a positive experience account balance from being assigned to category 20.

Requires that benefits attributable to a part-time base period employer be non-charged when the part-time contributory employer continues to employ the individual to the same extent as during his/her base period, provided the employer files a timely notice of the exemption from charges.

Prohibits benefits in a combined wage claim from being charged to an employer's experience rating account, unless the benefits would be chargeable under Nebraska law.

Shifts the period of time when an acquisition will result in a new rate of contributions by one calendar quarter, from the 3-month period ending with the third quarter of the calendar year to the 3-month period ending with the second quarter of the calendar year.

Overpayments

Allows the agency to intercept Federal income tax refunds to repay fraudulent overpayments and contribution delinquencies consistent with the requirements of Federal law and regulation.

NEVADA	AB 124 (CH 281)	ENACTED May 28, 2009 EFFECTIVE July 1, 2009
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Coverage

Amends the definition of agricultural employment to include services performed by an alien.

NEW HAMPSHIRE	SB 144 (CH 219)	ENACTED July 15, 2009 EFFECTIVE September 15, 2009
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Financing

Provides for the noncharging of benefits paid to individuals whose separation from employment is because they are unable to perform some or all of their job duties due to pregnancy or illness or injury that is not work-related, provided that a physician has attested to the individuals' inability to perform their work duties.

Nonmonetary Eligibility

Provides that individuals will not be disqualified from receiving benefits due to separation from employment if that separation is for:

- domestic violence verified by documentation which causes individuals to reasonably believe continued employment would jeopardize their or any immediate family member's safety (modifies existing provisions);
- the individuals being unable to perform some or all of their job duties due to pregnancy or illness or injury that is not work-related, provided that a physician has attested to the individuals' inability to perform their work duties;
- illness or disability of a member of the individuals' immediate family; or
- the individuals' need to accompany their spouse to a place from which it is impractical for them to commute and due to a change in location of the spouse's employment.

NEW YORK	AB 8273 (CH 35)	ENACTED and EFFECTIVE May 20, 2009
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Extensions and Special Programs

Adds the optional extended benefits (EB) provision to its law based on the total unemployment rate (TUR) providing for up to 13 weeks of EB if the average TUR seasonally adjusted, 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 7 additional weeks of EB when 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). Effective for weeks of unemployment beginning on or after February 1, 2009, until the week ending 3 weeks prior to the last week for which 100 percent Federal sharing is authorized by Federal law, or for weeks of unemployment ending 3 weeks prior to the last week for which future amendment of federal law has authorized 100 percent federal sharing.

Changes the EB earnings/employment required in the base period to monetarily qualify from 20 weeks of full-time employment or remuneration which equals or exceeds 40 times the most recent benefit rate to remuneration of 1½ times the high calendar quarter earnings.

Provides that an individual's eligibility period will include any alternative eligibility period provided for in Federal law.

Provides that extended benefits not reimbursed by the Federal government must be financed 100 percent by the Indian tribe.

Nonmonetary Eligibility

Provides that a compelling family reason may be found to constitute good cause for voluntarily quitting, and a claimant must not be disqualified from benefits for separation due to any compelling family reason which includes, but is not limited to:

- domestic violence verified by documentation which causes individuals to reasonably believe continued employment would jeopardize their or any family members safety;
- the illness or disability of a member of the individuals' immediate family; and
- the need for the individuals to accompany their spouse to a place from which it is impractical for the individuals to commute and due to a change in location of the spouse's employment.

Defines the terms "illness" and "disability."

Provides that no refusal to accept employment will be deemed without good cause nor will it disqualify an otherwise eligible claimant who is seeking part-time work and the offer of employment is not comparable to his or her part-time work.

Except as otherwise provided, a claimant unable or unwilling to work full-time and who customarily worked less than the full-time prevailing in his/her place of employment for a majority of the weeks worked during the applicable base period, will not be denied unemployment insurance solely because the claimant is only seeking part-time work. Seeking "part-time work" means willing to work for a number of hours per week that are comparable to the part-time work during the majority of time in the base period.

Provides that, except as otherwise provided, claimants will not be disqualified for a failure to accept an offer of or apply for suitable work if in approved training, applicable to regular and extended benefits provisions.

Deletes the language disqualifying a claimant for 12 months for committing a felony until subsequently worked in employment on not less than 3 days in each of 4 weeks or earned remuneration of at least \$200 whether during or subsequent to the 12-month period and replaces with the disqualification provision regarding criminal acts in which a claimant is disqualified for 12 months provided he/she is convicted or signed a statement admitting to the act.

OREGON HB 3140
(CH 377)

ENACTED AND EFFECTIVE June 18, 2009

Extensions and Special Programs

Increases shared work benefits to a maximum of 52 weeks (previously 26).

VIRGINIA SB 1495
(CH 878)

ENACTED and EFFECTIVE May 6, 2009

Financing

Noncharges employers' accounts for benefits paid to an individual who leaves employment to accompany his spouse to the location of the spouse's new duty assignment if: (i) the spouse is on active duty in the military or naval services of the United States; (ii) the spouse's relocation to a new military-related assignment is pursuant to a permanent change of station order; (iii) the location of the spouse's new duty assignment is not readily accessible from the individual's place of employment; and (iv) the spouse's new duty assignment is located in a state that, pursuant to statute, does not deem a person accompanying a military spouse as a person leaving work voluntarily without good cause.

Nonmonetary Eligibility

Provides that it is good cause for voluntarily leaving, and an individual is not disqualified from benefits upon separation from the last employing unit for whom he has worked 30 days or 240 hours or from any subsequent employment, where an individual leaves employment to accompany his or her spouse to the location of the spouse's new duty assignment if: (a) the spouse is on active duty in the military or naval services of the United States; (b) the spouse's relocation to a new military-related assignment is pursuant to a permanent change of station order; (c) the location of the spouse's new duty assignment is not readily accessible from the individual's place of employment; and (d) except for members of the Virginia National Guard relocating to a new assignment within the Commonwealth, the spouse's new duty assignment is located in a state that, pursuant to statute, does not deem a person accompanying a military spouse as a person leaving work voluntarily without good cause.

