



## Financing

Adds that monies in the employment and training fund may be used also for funding the payment of interest due on Title XII advances.

Amends the law to provide that every employer, except reimbursable employers, shall be subject to an employment and training fund assessment at a rate of 0.01 percent of taxable wages. (Previously employers assigned a minimum rate of 0.0 percent or the maximum rate of 5.4 percent were not required to pay this assessment).

Adds that if interest is due on a Title XII advance, the employment and training fund assessment shall be increased to pay the interest due. The director shall have the discretion to determine the amount of the increase in the employment and training assessment rate for the calendar year 2011. The increase in the employment and training assessment rate shall be in increments of .01 percent. Notwithstanding any provisions to the contrary, if interest payments on a Title XII advance are subsequently waived by federal law, the aggregate amount of interest payments collected shall constitute the total employment and training assessments payable by employers for the calendar year 2012 only, and no employment and training assessment shall be collected from any employer in that year and no refund shall be paid retroactively to any employer based on the federal waiver of interest payments.

(The above 3 paragraphs shall be repealed on January 1, 2012, and reenacted in the form in which they read on December 31, 2010.)

**LOUISIANA**                      SB 121              ENACTED and EFFECTIVE June 24, 2011  
(Act No. 140)

## Financing

Provides that benefits are not charged against the experience rating records of a claimant's base period employer and reimbursable employers if both of the following conditions are met:

- Benefits are paid in a situation in which the unemployment is caused solely by an act or omission of any third party or parties, or solely by such act or omission in combination with an act of God or an act of war. The determination of the responsibility of any third party or parties shall be as determined by the Oil Pollution Act, 33 U.S.C. 2701, et seq.
- Reimbursement for such benefits shall have been paid by the responsible third party or parties into the Unemployment Trust Fund.

The amount owed by any responsible third party or parties shall equal the amount of regular and extended benefits paid to individuals as a result of the act or omission attributed to the responsible party or parties.

At the end of each calendar quarter, or at the end of any other period as the administrator may prescribe by regulation, the administrator shall charge the responsible party or parties accordingly.

Provides that the above paragraphs regarding the noncharging of benefits as a result of the oil spill are remedial and shall be retroactive to January 1, 2010.

**MAINE** SB 75 ENACTED and EFFECTIVE February 18, 2011  
(CH 2)

Extensions and Special Programs

Temporarily modifies the federal-state extended benefits (EB) program provisions concerning the EB “on” and “off” indicators by using a 3-year look-back for both the mandatory indicator based on the insured unemployment rate (IUR) and the optional indicators based on the seasonally adjusted total unemployment rate (TUR) for weeks of unemployment beginning December 19, 2010, and ending on or before December 31, 2011, or until the date established in Federal law, whichever is later.

**MAINE** SB 95 ENACTED May 9, 2011  
(CH 66) EFFECTIVE September 13, 2011

Coverage

Excludes from the definition of employment services performed by a private investigator, as defined in state law, as long as that employment is not subject to federal unemployment tax and the following requirements are met:

- There is a written contract between the private investigator and the party requesting services;
- The private investigator offering the services operates independently of the party requesting services, except for the time frame and quality of finished work as specified in the contract;
- Compensation for services is negotiated between the 2 parties and is paid for each service performed; and
- The party requesting services furnishes neither equipment nor the place of employment to the private investigator.

**MAINE** SB 193 ENACTED May 9, 2011  
(CH 70) EFFECTIVE September 13, 2011

Coverage

Excludes from the definition of employment services performed under a booth rental agreement or other rental agreement by a tattoo artist if the services performed by the tattoo artist are not subject to federal unemployment tax.

**MASSACHUSETTS** HB 3314 ENACTED and EFFECTIVE March 25, 2011  
(CH 6)

Extensions and Special Programs

Temporarily modifies the federal-state extended benefits (EB) program provisions concerning the EB “on” and “off” indicators by using a 3-year look-back for both the mandatory indicator based on the insured unemployment rate (IUR) and the optional indicators based on the seasonally adjusted total unemployment rate (TUR) for weeks of unemployment beginning on or after December 17, 2010, and ending on or before December 31, 2011, or the date established in Federal law permitting this provision.

**MASSACHUSETTS**

SB 8  
(CH 2)

ENACTED February 17, 2011  
EFFECTIVE January 1, 2011

### Financing

Assigns for calendar year 2011 contribution rate schedule E with tax rates for negative balance employers ranging from 7.24 percent to 12.27 percent and from 1.26 percent to 6.14 percent for positive balance employers.

**MISSOURI** HB 163

ENACTED and EFFECTIVE April 13, 2011

### Extensions and Special Programs

Provides that the expiration date of an “on” indicator week based on the seasonally adjusted total unemployment rate (TUR) for the federal-state Extended Benefits (EB) program is the week on or before the week ending 4 weeks prior to the last week of unemployment for which 100 percent Federal sharing is available under the American Recovery and Reinvestment Act or August 28, 2013 (previously, March 3, 2011), whichever should occur first.

Temporarily modifies the federal-state extended benefits (EB) program provisions concerning the EB “on” and “off” indicators by using a 3-year look-back for the optional indicators based on the seasonally adjusted total unemployment rate (TUR) for weeks of unemployment beginning after December 17, 2010, and ending before January 1, 2012.

### Monetary Entitlement

Provides that a claimant shall be ineligible for waiting week credit or benefits for any week such claimant has an outstanding penalty which was assessed based upon an overpayment of benefits.

**NEBRASKA**

L 261

ENACTED and EFFECTIVE May 17, 2011

### Coverage

Excludes from the definition of employment services performed by a direct seller if such person is engaged in sales primarily in person and is engaged in the trade or business of delivering or distributing newspapers or shopping news, including any services directly related to such trade or business.

**NEW JERSEY** SB 2380  
(CH 118)

ENACTED and EFFECTIVE January 5, 2011

Administration

Requires the Commissioner of Labor and Workforce Development to give written notification to claimants of the date of the final exhaustion of all unemployment compensation not less than 4 weeks (previously 3 weeks) prior to that date. Requires such notification to also include information on assistance regarding child care, food, mental health, addiction services, and health care coverage.

**NEW JERSEY** SB 2680  
(CH 51)

ENACTED and EFFECTIVE April 20, 2011

Extensions and Special Programs

Temporarily modifies the federal-state extended benefits (EB) program provisions concerning the EB “on” and “off” indicators by using a 3-year look-back for the optional indicators based on the seasonally adjusted total unemployment rate (TUR) for weeks of unemployment beginning after March 31, 2011, and ending before January 1, 2012.

**NEW YORK** AB 6091  
(CH 7)

ENACTED and EFFECTIVE March 25, 2011

Extensions and Special Programs

Temporarily modifies the federal-state extended benefits (EB) program provisions concerning the EB “on” and “off” indicators by using a 3-year look-back for both the mandatory indicator based on the insured unemployment rate (IUR) and the optional indicators based on the seasonally adjusted total unemployment rate (TUR) for weeks of unemployment beginning after January 31, 2011, and ending on or before December 31, 2011.

**NORTH DAKOTA** SB 2245  
(CH 375)

ENACTED and EFFECTIVE April 26, 2011

Financing

Noncharges benefits paid to individuals who were separated from employment with the most recent employer for reasons directly attributable to domestic violence or sexual assault.

Nonmonetary Eligibility

Modifies the provision that exempts from employment service performed for a private for-profit person or entity by an individual as a landman by providing that “substantially all remuneration” includes payment on the basis of a daily rate.

Provides that individuals shall 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 or sexual assault verified by documentation which causes individuals to reasonably believe continued employment would jeopardize their or any immediate family member's safety.

Provides that documentation must be received by job service North Dakota within 14 calendar days from the date of filing an unemployment insurance claim after separating from employment for reasons directly attributable to domestic violence or sexual assault.

**OHIO**            HB 58                                    ENACTED and EFFECTIVE March 7, 2011  
                          (Law No. 3)

#### Extensions and Special Programs

Temporarily modifies the federal-state extended benefits (EB) program provisions concerning the EB "on" and "off" indicators by using a 3-year look-back for the optional indicators based on the seasonally adjusted total unemployment rate (TUR) for weeks of unemployment beginning after December 17, 2010, and ending on or before December 31, 2011.

**OREGON**        HB 2347                                    ENACTED and EFFECTIVE May 19, 2011  
                          (CH 106)

#### Coverage

Excludes from the definition of employment officiating services performed by individuals in recreational, interscholastic, or intercollegiate sporting events or contests unless officiating services are performed for a nonprofit employing unit, the state, a political subdivision of this state, or an Indian tribe. (Applicable to officiating services performed on or after May 19, 2011.)

Defines officiating services to mean overseeing the play of a sporting event or contest, judging whether the rules are being followed, and penalizing participants for infringing the rules.

Defines sporting event or contest to mean any sporting competition in which the participants are not professional athletes or contestants or are not remunerated for their participation.

**OREGON**        SB 725                                    ENACTED and EFFECTIVE June 23, 2011  
                          (CH 514)

#### Appeals

Provides that after receiving a request to reopen a hearing from any party, the administrative law judge may reopen the hearing if, among other things, the party shows good cause for failing to appear.

#### Overpayments



Provides that for claims effective on or after July 6, 2008, but before July 1, 2012, (previously July 3, 2011) the minimum weekly benefit amount remains at \$54 and the maximum weekly benefit amount remains at \$378; a total of \$2,700 in the 2 high quarters of the base period remains the amount needed to monetarily qualify, and a minimum of \$18,900.01 remains as the amount required for the maximum weekly benefit amount.

Provides that beginning July 1, 2012, (previously July 3, 2011) for claims effective on or after July 1, 2012, (previously July 3, 2011) the minimum weekly benefit amount increases from \$54 to \$60 and the maximum weekly benefit amount remains at \$378; a total of \$3,000 (previously \$2,700) in the 2 high quarters of the base period is needed to monetarily qualify, and a minimum of \$18,900.01 remains as the amount required for the maximum weekly benefit amount.

**WEST VIRGINIA** HB 3137  
(CH 176)

ENACTED and EFFECTIVE March 30, 2011

### Extensions and Special Programs

Temporarily modifies the federal-state extended benefits (EB) program provisions concerning the EB “on” and “off” indicators by using a 3-year look-back for the optional indicators based on the seasonally adjusted total unemployment rate (TUR) for weeks of unemployment beginning after December 17, 2010, and ending on or before December 31, 2011, or the date established in Federal law, as amended.