

- the amount of money required to maintain adequate balances in the fund or to repay advances; and
- the amount of bonds to be issued.

Requires the Department of Labor and Employment to certify bond issuance would not result in decertification of Colorado's unemployment insurance program, impact any CAP application, affect the receipt of emergency unemployment compensation funds, or result in the loss of Federal funds, penalties and sanctions.

Creates an unemployment bond repayment account for all nonprincipal-related bond costs and provides that funds for nonprincipal-related costs be deposited in the bond repayment account.

Repeals the surcharge tax December 31 of the calendar year the trust fund balance on June 30 is equal to or greater than zero and all advances have been repaid.

LOUISIANA

HB 188
(Act No. 381)

ENACTED May 31, 2012
EFFECTIVE August 1, 2012

Nonmonetary Eligibility

Provides that a temporary employee of a staffing firm will be disqualified for benefits if, upon conclusion of his or latest assignment, s/he fails without good cause to contact the staffing firm for reassignment. Disqualification does not apply if the temporary employee is not advised at the time of hire that he or she must report for reassignment upon the conclusion of each assignment and that unemployment compensation benefits may be denied for failure to do so.

OKLAHOMA

HB 2258
(CH 351)

ENACTED June 8, 2012
EFFECTIVE November 1, 2012

Financing

Provides that any contractor that intentionally misclassifies individuals as independent contractors rather than employees for the purpose of affecting procedures and payments relating to withholding and social security, unemployment tax, or worker's compensation premiums shall be fined by the Oklahoma Tax Commission an amount not to exceed 10 percent of the contractor's total bid, which shall be in addition to any other penalties allowed by law.

TENNESSEE

SB 884
(CH 682)

ENACTED and EFFECTIVE April 4, 2012

Financing

Provides that benefits paid for leaving employment to accompany a spouse in the Armed Services may not be charged to the employer's experience-rating account.

Nonmonetary Eligibility

Allows unemployment benefits for individuals who leave employment to accompany a spouse who is a member of the Armed Services of the United States and is the subject of a military transfer.

TENNESSEE

HB 3431
(CH 1050)

ENACTED May 21, 2012
EFFECTIVE May 21, 2012,
or as otherwise indicated

Nonmonetary Eligibility

Defines misconduct to include:

- Conscious disregard of the rights or interests of the employer;
- Deliberate violations or disregard of reasonable standards of behavior that the employer expects of an employee;
- Carelessness or negligence of such a degree or recurrence to show an intentional or substantial disregard of the employer's interest or to manifest equal culpability, wrongful intent, or shows an intentional and substantial disregard of the employer's interests or of the employee's duties and obligations to the employer;
- Deliberate disregard of a written attendance policy and the discharge is in compliance with such policy;
- A knowing violation of a regulation of this state by an employee of an employer licensed by this state, which violation would cause the employer to be sanctioned or have the employer's license revoked or suspended by this state; or
- A violation of an employer's rule, unless the claimant can demonstrate that:
 - The claimant did not know, and could not reasonably know, of the rule's requirements; or
 - The rule is unlawful or not reasonably related to the job environment and performance.

Provides that a claimant shall be ineligible for benefits if the claimant is incarcerated 4 or more days in any week.

Requires a claimant to provide detailed information regarding contact with at least 3 employers per week or access services at a career center and requires random audits of 1,000 claimants weekly to determine compliance. Provides an 8-week disqualification if an audit determines false work search information was provided. (Effective September 1, 2012.)

Allows an employer to provide information prior to agency request if the employer expects an issue to arise with regard to an employee's separation. (Effective September 1, 2012.)

Disqualifies an individual for benefits:

- For any week "wages in lieu of notice" are received;

- If a severance package from an employer is equal to the salary the employee would have received if the employee was working;
- If an individual discharged due to layoff refuses a job or a similar job with equivalent salary by the most recent employer; individual is disqualified until paid wages in covered employment equal to 10 times the weekly benefit amount; or
- If the individual's offer of work is withdrawn due to a refusal to take a drug test or a positive result from a drug test; individual is disqualified until paid wages in covered employment equal to 10 times the weekly benefit amount.

Defines "wages in lieu of notice" as wages paid to an individual separated without notice, irrespective of the length of service, that are equal to wages that would have been paid if the individual had continued to work.

Defines the amount of wages required to be considered suitable work as equal or exceeding the average weekly wage in the individual's highest base period quarter according to the following criteria:

- 100 percent during the first 13 weeks of unemployment;
- 75 percent during the 14th through the 25th week of unemployment;
- 70 percent during the 26th through the 38th week of unemployment; and
- 65 percent after the 38th week of unemployment.

Wages must equal Federal minimum wage to be considered suitable work.

UTAH

HB 263
(CH 54)

ENACTED March 15, 2012
EFFECTIVE May 7, 2012

Financing

Provides that benefits paid for leaving employment to accompany or follow a spouse in the armed forces may not be charged to the employer's experience-rating account.

Nonmonetary Eligibility

Allows unemployment benefits for individuals who voluntarily leave employment to accompany or follow a spouse who is a member of the United States armed forces on active duty and has been relocated by a full-time assignment scheduled to last at least 180 days. Benefits under this provision will be allowed if it is impractical for the individual to commute to the previous work from the new locality, if the individual left work no earlier than 15 days before the scheduled start date of the spouse's active-duty assignment, and the individual otherwise meets all eligibility and reporting requirements, including registering for work.