

DELAWARE

HB 168
(CH 173)

ENACTED and EFFECTIVE August 15, 2013

Monetary Entitlement

Provides that for claims establishing a benefit year beginning January 1, 2014, and thereafter, the individual will serve a 1-week waiting period. "Waiting period" means the first week of an individual's benefit year for which no benefits are payable as a condition of eligibility due to the waiting week and for which the individual has timely applied and is otherwise eligible for regular benefits. (The waiting week provisions sunset effective for claims establishing a benefit year beginning January 1, 2017.)

Financing

Changes the \$10,500 taxable wage base as follows: after December 31, 2013, the taxable wage base is equal to \$18,500 if the balance in the Unemployment Insurance Trust Fund is \$125.0 million or less as of the preceding September 30; or equal to \$16,500 if the balance in the Unemployment Insurance Trust Fund is greater than \$125.0 million, but less than \$175.0 million as of the preceding September 30; or is equal to \$14,500 if the balance in the Unemployment Insurance Trust Fund is at least \$175.0 million but no greater than \$ 225.0 million as of the preceding September 30; or is equal to \$12,500 if the balance in the Unemployment Insurance Trust Fund is greater than \$225.0 million but less than \$275.0 million as of the preceding September 30; or is equal to \$10,500 if the balance in the Unemployment Insurance Trust Fund is \$275.0 million or greater as of the preceding September 30.

Provides that the Department of Labor shall be permitted to borrow funds from the State's General Fund or other State fund sources to pay all or a portion of the principal of any loans extended by the federal government to the Unemployment Insurance Trust Fund. Any State funds that are loaned for this purpose shall be reimbursed from unemployment insurance tax receipts.

Deletes employers' liability to pay the special assessment levied at the rate of 0.15 percent on all taxable wages, and provides that the special assessment shall be levied at the following rate: 0.085 percent when the taxable wage base is \$18,500; 0.095 percent when the taxable wage base is \$16,500; 0.11 percent when the taxable wage base is \$14,500; 0.126 percent when the taxable wage base is \$12,500; and 0.15 percent when the taxable wage base is \$10,500. The special assessment levied above shall not affect the computation of any other assessments due.

HAWAII

HB 144
(Act No. 174)

ENACTED June 25, 2013

EFFECTIVE July 1, 2013

Financing

Provides that no person shall use the terms "professional employer organization", or "PEO", or other similar name unless the person is registered and in compliance with the law and the rules adopted.

Provides that during the term of the agreement between a professional employer organization and its client company, the professional employer organization shall be deemed the employer for all covered employees for purposes of complying with all laws relating to unemployment insurance, workers' compensation, temporary disability insurance, and prepaid health care coverage; and the professional employer organization shall provide written notification to each covered employee of this responsibility.

HAWAII HB 918
 (Act No. 101)

ENACTED June 14, 2013
EFFECTIVE July 1, 2013

Financing

Provides that the moneys in the employment and training fund may be used for funding, for the period from July 1, 2013, to June 30, 2014, costs to administer, manage, report, and oversee Title I programs under the Federal Workforce Investment Act of 1998, as amended.

ILLINOIS HB 3125
 (P. A. No. 107)

ENACTED and EFFECTIVE July 23, 2013

Administration

Permits the Director of the Department of Employment Security, by regulation, to provide that amounts due from an employing unit for contributions, payments in lieu of contributions, penalties, or interest be paid by an electronic funds transfer, including amounts paid on behalf of an employing unit by an entity representing the employing unit. Except as otherwise provided, the regulation shall not apply to an employing unit that notifies the Director that it declines to pay by electronic funds transfer. Authorizes the Director to provide, by regulation, reasonable penalties for employing units that are subject to and fail to comply with such a regulation. Any employing unit that is not subject to the regulation may elect to become subject to the regulation by paying amounts due for contributions, payments in lieu of contributions, penalties, or interest by an electronic funds transfer. Notwithstanding any other provision to the contrary, in the case of an entity representing 5 or more employing units, neither the entity nor the employing units (for as long as they are represented by that entity) shall have the option to decline to pay by electronic funds transfer.

Provides that any provision requiring service by certified or registered mail, either a paper return receipt issued by the U.S. Postal Service, or an electronic return receipt issued by the U.S. Postal Service, shall constitute proof of service.

NEW HAMPSHIRE SB 143
 (CH 218)

ENACTED July 11, 2013
EFFECTIVE July 1, 2013

Extensions and Special Programs

Establishes, effective July 1, 2013, a "self-employment assistance program" under which an individual who meets the specific requirements is eligible to receive an allowance in lieu of

regular benefits for the purpose of assisting that individual in establishing a business and becoming self-employed. Individuals must be eligible to receive regular unemployment compensation under State law in order to enter the self-employment assistance program. Regular benefits and the allowances may not be paid with respect to the same week.

Provides eligibility requirements for the self-employment assistant program as follows:

- An individual must be identified by a State worker profiling system as likely to exhaust regular benefits.
- An individual must be participating in self-employment assistance activities approved by the State agency. The State must offer entrepreneurial training, business counseling, and technical assistance.
- An individual must be actively engaged on a full-time basis in activities, which may include training, related to establishing a business and becoming self-employed.
- Unemployment assistance allowances shall be payable to participants in the self-employment assistance program at the same interval, on the same terms, and subject to the same conditions as regular benefits except that:
 - The requirements relating to availability for work, active search for work, and refusal to accept work shall not be applicable to the participant.
 - The requirements relating to disqualifying income shall not be applicable to income earned from self-employment by the participant.
 - A participant who meets the requirements shall be considered unemployed.
 - Individuals who fail to participate in self-employment assistance activities or who fail to actively engage on a full-time basis in activities, including training related to establishing a business and becoming self-employed, shall be denied benefits for the week the failure occurs.
- Provides that the aggregate number of individuals participating in the self-employment assistance program at any time may not exceed 2.5 percent of the number of individuals receiving regular benefits at that time.
- Provides that the weekly amount of a self-employment assistance allowance payable to an individual shall be equal to the weekly benefit amount for regular benefits otherwise payable.
- Provides that the sum of the self-employment assistance allowance paid and regular benefits paid may not exceed the maximum amount of benefits established with respect to any benefit year.

Financing

Provides that self-employment assistance allowances shall be charged to the State unemployment trust fund.

NEW JERSEY SB 2404
(CH 75)

ENACTED and EFFECTIVE June 28, 2013

Financing

Suspends for one year from June 30, 2013, to June 30, 2014, the following provision: For experience rating years beginning on or after July 1, 2011, and before July 1, 2013, if the fund reserve ratio, based on the fund balance as of the prior March 31, is less than 1.0 percent, the contribution rate for each employer liable to pay contributions shall be increased by a factor of 10 percent computed to the nearest multiple of 1/10 percent if not already a multiple.

Provides that with respect to experience rating years beginning on or after July 1, 2014, the foregoing provision becomes effective.

NORTH CAROLINA HB 112 ENACTED and EFFECTIVE July 29, 2013
(CH 363)

Financing

Appropriates from the Special Employment Security Administration Fund to the Unemployment Insurance Fund \$10 million for the 2013-2014 fiscal year to be used to make principal payments on Title XII Federal advances made to pay unemployment compensation benefits.

OREGON SB 192 ENACTED July 29, 2013
(CH 704) EFFECTIVE October 7, 2013

Extensions and Special Programs

Provides, with respect to the self-employment assistance program, that “regular benefits” does not mean additional benefits or extended benefits unless otherwise allowed under the Federal-State Extended Unemployment Compensation Act of 1970, or other benefits unless otherwise authorized under federal law.

Provides that self-employment assistance allowance amounts shall be paid from the Unemployment Compensation Benefit Fund or from federal benefits.

Provides that an individual may receive the self-employment assistance allowance:

- in lieu of regular benefits for a period of not more than 26 weeks; and
- in lieu of extended benefits or other unemployment insurance benefits allowable under federal law for an additional period of not more than 26 weeks.

Provides that the total period for which an individual may receive regular benefits, extended benefits, or other unemployment insurance benefits allowable under federal law is reduced by the number of weeks for which the individual receives the self-employment assistance allowance in

lieu of regular benefits or extended benefits, or other unemployment insurance benefits, respectively.

Deletes the provision that the sum of the self-employed assistance allowance paid and the regular benefits paid with respect to any benefit year shall not exceed the maximum benefit amount payable under state law with respect to that benefit year.

Provides that the number of individuals receiving the self-employment assistance allowance at any time may not exceed:

- with respect to individuals receiving self-employment assistance allowance in lieu of regular benefits, 5.0 percent of the number of individuals receiving regular benefits.
- with respect to individuals receiving self-employment assistance allowance in lieu of extended benefits, 1.0 percent of the number of individuals receiving extended benefits.

Provides that the self-employment assistance allowance shall be charged to employers in the manner provided for the charging of regular benefits or extended benefits.

Amends the provisions of the shared-work unemployment benefit program as follows:

- Includes in the definition of “affected employee” that an individual employed on a seasonal, temporary, or intermittent basis is not a member of the affected group.
- Adds additional criteria that an employer wishing to participate in the shared work plan is required to include in the shared work plan in order that the director may (previously shall) give written approval of the plan as follows: a description of how the requirements of the shared work unemployment benefit program will be implemented; that the plan is consistent with employer obligations under federal law; the employer's estimate of the number of layoffs that would have occurred if not for the shared work unemployment benefit program; and certification that existing health and retirement benefits under a defined benefit plan or contributions to a defined contribution plan, as defined in section 414 of the Internal Revenue Code, for the benefit of any participating employee with a reduced workweek will be provided to the employee as if the workweek had not been reduced.
- Deletes from the requirement for approval of a shared work plan that the plan specifies the manner in which the employer will treat fringe benefits of the employees in the affected group.
- Provides that shared work benefits may not be paid to an eligible individual in an amount greater than 26 times the individual’s weekly benefit amount of regular benefits. (Previously, for more than 52 weeks under an approved plan or modification thereof.)
- Provides that an otherwise eligible individual may not be denied shared work benefits for participating in training to enhance job skills if the training is sponsored by the employer or funded under the federal Workforce Investment Act of 1998 and approved by the Director.
- Provides that notwithstanding the provision to bill each participating employer in a shared work plan for the amount of reimbursement due to the fund, an amount may not

be billed to an employer during any rating period in which federal law provides for 100 percent of the funding of shared work benefits.

Financing

Provides that notwithstanding any other provision, benefits paid to an individual shall be charged to an employer's account if:

- the employer or the employer's agent fails to respond timely or adequately to a request for information relating to the claim for benefits;
- the failure to respond causes an overpayment of benefits to the claimant; and
- the employer or the employer's agent has a pattern of failing to respond timely or adequately to requests for information relating to claims for benefits.

PENNSYLVANIA HB 26
(Act No. 34)

ENACTED and EFFECTIVE July 2, 2013

Financing

Adds the Service and Infrastructure Improvement Fund as another fund into which employee contributions will be deposited.

Changes the allocation of employee contributions among the three funds as follows:

- (1) Continues the requirement that 5 percent of employee contributions paid from January 1, 2013, through September 30, 2017, shall be allocated to and deposited into the Reemployment Fund to the extent the contributions are paid on or before December 31, 2017. (Previous law required that 95 percent of employee contributions be allocated and deposited into the Unemployment Compensation Fund.)
- (2) Provides that during each calendar year from 2013 through 2016 an amount determined by the secretary with the approval of the Governor shall be deposited into the Service and Infrastructure Improvement Fund. For calendar year 2013, the amount determined may not exceed \$40,000,000. For calendar year 2014, the amount determined may not exceed \$30,000,000. For calendar years 2015 and 2016, the amount determined for each calendar year may not exceed \$190,000,000 adjusted by the increase in the Bureau of Labor Statistics Consumer Price Index for the period from May 2013 through January of the calendar year less the amount of Federal administrative funding for the preceding Federal fiscal year. (Previous law required that 100 percent of the contributions on wages paid from January 1, 2013, through September 30, 2017, shall be deposited into the Unemployment Compensation Fund to the extent the contributions are paid on or after January 1, 2018.)
- (3) Provides that the remaining contributions shall be deposited into the Unemployment Compensation Fund. (Previous law required that 100 percent of the contributions on wages paid on or after October 1, 2017, shall be deposited into the Unemployment Compensation Fund.)

Establishes the “Back to Work Rhode Island Program”, which will be administered by the Department of Labor and Training, begins on October 1, 2013, and expires on December 31, 2014. New participants will not be enrolled after November 18, 2014.

Provides that the program shall be designed to permit a claimant to be matched with an employer participating in the program and be placed in Department-approved skill enhancement and job training made available by the employer. Participation by both claimant and employer shall be voluntary. The employer shall provide the claimant with skill enhancement and job training relevant to an open employment position for up to 24 hours per week for up to 6 weeks. Upon completion of the 6-week period, claimants must be considered for employment by the employer. During the 6-week period, the claimant will only be compensated with the training received through participation in the program. Both the employer and the claimant may terminate participation in the program at any time.

Provides that notwithstanding any other provisions to the contrary, no otherwise eligible individual shall be denied unemployment benefits because of his/her participation in the “Back to Work Rhode Island Program”; provided, however, that upon appropriation, the claimant may receive a reasonable stipend in a determined amount to cover any additional costs associated with participation in the program, including transportation or childcare costs. Claimants may stay in the program if they exhaust benefits or lose program eligibility prior to the end of the 6-week period.

Provides that claimant participation shall be limited to 6 weeks in any benefit year. A claimant shall be encouraged to end a training relationship that is not beneficial and shall be encouraged to preserve the remainder of his or her 6 weeks of training for another training opportunity. To participate, a claimant must be seeking work, be able and available to work, and accept work during the training period.

Provides that interested claimants shall be encouraged, but not required, to find employment opportunities that align with their current job skills, knowledge, and experience. Employers shall be encouraged to work with the Department to locate claimants with current job skills, knowledge, and experience that align with the requirements of an open employment opportunity. The claimant and the employer must agree upon a formal training plan and schedule which must be approved by the Department and may include on-site training, education, and the application of skills or experiences. Participation in the program may be limited based on program capacity as determined by the Department.

RHODE ISLAND HB 5689 SB 776
(P.L. 120) (P.L. 130)

ENACTED June 24, 2013
EFFECTIVE October 1, 2013

Financing

Provides that the 15 percent penalty assessed on the amount of the overpayment due to fraud shall be immediately deposited into the State Unemployment Security Fund.

Overpayments

Provides that beginning October 1, 2013, whenever an erroneous payment is made to an individual due to fraud committed by the individual, that individual will be assessed a penalty equal to 15 percent of the amount of the erroneous payment. Provides that the Department of Labor and Training by agreement with another State or the U.S. may recover any overpayment of benefits paid to any individual under the laws of the State or of another State or under an unemployment benefit program of the U.S. Any overpayments may be recovered by deduction from any future benefits payable to the individual under the laws of the State or of another State or under an unemployment benefit program of the U.S. With respect to payment of benefits pending appeal, if, beginning on or after October 1, 2013, an erroneous payment was made to an individual due to fraud committed by the individual for overpayments and those overpayments are eligible to be recovered, that individual shall also be liable to pay penalties equal to 15 percent of the amount of the erroneous payment.

RHODE ISLAND HB 5700 SB 683
(P.L. 126) (P.L. 131)

ENACTED June 24, 2013
EFFECTIVE October 1, 2013

Financing

Provides that an employer's account shall not be relieved of charges relating to any benefit payments made if, on or after October 1, 2013, the payment was made because the employer, or an agent of the employer, was at fault for failing to respond timely or adequately to the request for unemployment benefits claim information.

Provides that each reimbursable nonprofit organization or group of those organizations, or governmental entity, shall be liable to reimburse the State employment security fund (trust fund) for any benefit payments made if, on or after October 1, 2013, the payment was made because the employer, or an agent of the employer, was at fault for failing to respond timely or adequately to the request for information relating to the claim for unemployment benefits that was subsequently overpaid.

RHODE ISLAND HB 5701 SB 573 ENACTED and EFFECTIVE June 24, 2013
(P.L. 125) (P.L. 133)

Administration

Provides that any Department of Labor and Training employee guilty of violating the confidentiality provisions of employment records and reports shall be subject to the established penalties; provided that nothing contained in certain provisions shall be construed to prevent the Director of the Department of Employment and Training from providing data on unemployment insurance recipients or any other data contained in departmental records that is obtained from an individual to the Department's designated research partners for the purpose of its workforce data quality and workforce innovation fund initiatives. The provision of these records will be done in accordance with an approved data-sharing agreement between the Department and its designated research partners that protects the security and confidentiality of these records and through

procedures established by protocols, rules, and/or regulations as determined necessary by the director and appropriately established or promulgated.

Provides that notwithstanding any other provisions to the contrary, the Department may provide employee quarterly wage information to the Department's designated research partners for the purpose of its workforce data quality and workforce innovation fund initiatives. The provision of these records will be done in accordance with an approved data-sharing agreement between the Department and its designated research partners that protects the security and confidentiality of these records and through procedures established by protocols, rules, and/or regulations as determined necessary by the director and appropriately established or promulgated.

RHODE ISLAND

HB 5981
(P.L. 517)

ENACTED July 19, 2013
EFFECTIVE July 1, 2015

Administration

Grants city housing authorities the power to request and receive from state and federal departments and agencies income information relating to unemployment compensation, child support, alimony, supplemental nutritional assistance and public welfare payments to be held in strict confidentiality by the authority and shared as part of the Department of Housing and Urban Development's earned income information system for the purpose of determining the current income of any applicant with regard to rental calculations.

RHODE ISLAND

SB 231
(P.L. 187)

ENACTED and EFFECTIVE July 11, 2013

Temporary Disability Insurance

Establishes, within the State temporary disability insurance program, a temporary caregiver insurance program to provide wage replacement benefits to workers who take time off work to care for a seriously ill child, spouse, domestic partner, parent, parent-in-law, or grandparent, or to bond with a new child.

Provides for temporary caregiver benefits which shall be available only to the employee exercising his or her right to leave while covered by the temporary caregiver insurance program commencing on or after January 1, 2014, which shall not exceed the individual's maximum benefits. Employees cannot file for both temporary caregiver benefits and temporary disability benefits for the same purpose, concurrently. The benefits for the temporary caregiver program shall be payable with respect to the first day of leave taken after the waiting period and each subsequent day of leave during that period of family temporary disability leave. Beginning January 1, 2014, temporary caregiver benefits shall be limited to a maximum of 4 weeks in a benefit year. In addition, no individual shall be paid temporary caregiver benefits and temporary disability benefits which together exceed 30 times his or her weekly benefit rate in any benefit year.

Provides that any employee who exercises his or her right to leave covered by temporary caregiver insurance shall, upon the expiration of that leave, be entitled to be restored by the employer to the position held by the employee when the leave commenced, or to a position with equivalent seniority, status, employment benefits, pay, and other terms and conditions of employment including fringe benefits and service credits that the employee had been entitled to at the commencement of leave.

Provides that during any caregiver leave taken the employer shall maintain any existing health benefits of the employee in force for the duration of the leave as if the employee had continued in employment continuously from the date he or she commenced the leave until the date the caregiver benefits terminate; provided, however, that the employee shall continue to pay any employee shares of the cost of health benefits as required prior to the commencement of the caregiver benefits.

Provides that temporary caregiver benefits shall be in accordance with the federal Family and Medical Leave Act and the Rhode Island Family Parental and Family Leave Act.

Provides that an individual who exercises his or her right to leave covered by the temporary caregiver insurance program shall file a certificate form with all information required and the Department of Labor and Training shall notify the claimant if the claim is valid or invalid.

Provides that information pursuant to any individual's temporary disability claim or temporary caregiver insurance claim shall be held confidential in accordance with State law and all applicable State and federal regulations.

Provides that the temporary caregiver insurance program shall be part of the temporary disability insurance fund.

Provides for a penalty in the amount of 25 percent of the benefits paid as a result of a false certification by any individual. Provides for the suspension of the processing of all further certifications if a physician or other qualified health care provider licensed by a foreign country is under investigation for assisting in the filing of false claims until the licensed qualified health care provider fully cooperates and continues to cooperate with the investigation. A qualified health care provider licensed by and practicing in a foreign country who has been convicted of filing false claims shall be barred indefinitely from filing a certificate in support of a temporary disability insurance or temporary caregiver insurance claim in the State of Rhode Island.

Provides that to the extent that federal funds are made available under Title III of the Social Security Act for the expenses of administering Chapter 39-41, expenses of administration of the law shall be paid from those funds, provided that any expenditure of funds from the employment security administration account contrary to law shall not be permitted. In the event that the Social Security Act is amended to permit funds granted under Title III to be used to pay expenses of administering a sickness compensation law, such as Chapter 39-41, then from and after the effective date of that amendment, the expenses of administering those chapters shall be paid out of the employment security administration account or any other account or fund in which funds granted under Title III are deposited.

