

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

REPORT ON STATE LEGISLATION

REPORT NO. 2
September 2015

ALABAMA	HB 506 (Act No. 472)	ENACTED June 11, 2015 EFFECTIVE September 1, 2015
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Nonmonetary Eligibility

Amends the pension provision to provide that an individual shall be disqualified for total or partial unemployment for any week with respect to which, or a part of which, an individual has received or has been determined eligible to receive (during a period for which benefits are being claimed) a governmental or other pension, retirement or retired pay, annuity, or similar periodic payment based on the previous work of the individual; except, that:

- the amount of benefits payable to an individual for any such week which begins in a period with respect to which the disqualifying provisions of the pension provisions apply, shall be reduced (but not below zero) by an amount equal to the amount of such pension, retirement or retired pay, annuity, or other payment, which is reasonably attributable to such week, only:
- if such payment is made under a plan that is maintained (or contributed to) by a base period employer and 100 percent employer-financed and not contributed to by the worker; and
- if, in accordance with the pension provisions any individual is awarded pension payments retroactively covering the same period for which the individual received benefits, the retroactive payments shall constitute cause for disqualification and any benefits paid during such period shall be recovered only if the retroactive pension payments were made under a plan that is maintained (or contributed to) by a base period employer, 100 percent employer-financed, and not contributed to by the worker.

Previously, the pension requirements did not require that the pension be 100 percent employer-financed and not contributed to by the worker.

ARIZONA HB 2168
(CH 101)

ENACTED March 30, 2015
EFFECTIVE July 3, 2015

Administration

Provides that two or more public agencies may enter into contracts or agreements to establish a pool which may offer services on behalf of pool participants in the unemployment insurance program administered by the Department of Economic Security, including the option to make payments in lieu of contributions as permitted by Sections 23-750 and 23-751 of the Arizona Employment Security Act. The pool is deemed an agent of the pool participants as employers for the purposes of the Arizona Employment Security Act.

ARKANSAS SB 925 ENACTED and EFFECTIVE March 31, 2015
(Act No. 864)

Financing

Exempts out-of-state businesses operating in Arkansas from making unemployment insurance contributions during a declared emergency when those businesses are aiding the state in recovering from the declared disaster.

CONNECTICUT HB 6707 ENACTED July 2, 2015
(Public Act 158) EFFECTIVE October 1, 2015

Financing

Provides that no base period employer's account shall be charged with respect to benefits paid to a claimant who has been discharged or suspended because the claimant has been disqualified from performing the work for which he or she was hired due to the loss of such claimant's operator license as a result of a drug or alcohol test or testing program conducted in accordance with:

- Section 14-44k of the 2012 Connecticut General Statutes (relating to a driver's disqualification from operating a commercial motor vehicle),
- Section 14-227a of the 2011 Connecticut Code (relating to operating a motor vehicle while under the influence of intoxicating liquor or any drug or both), or
- Section 14-227b of the 2011 Connecticut Code (relating to implied consent to test a motor operator's blood, breath, or urine) while the claimant was off duty.

GEORGIA HB 117 ENACTED and EFFECTIVE May 6, 2015
(Act No. 113)

Financing

Modifies the definition of the term "most recent employer" to mean, for claims with benefit years that begin on or after July 1, 2015, the last employer for whom an individual worked. (For

claims with benefit years beginning on or before June 30, 2015, the term “most recent employer” meant the last liable employer for whom an individual worked and: (1) the individual was separated from work for a disqualifying reason; (2) the individual was released or separated from work under nondisqualifying conditions and earned wages of at least 10 times the weekly benefit amount of the claim; or (3) the employer filed the claim for the individual by submitting such reports as authorized by the Commissioner of Labor.)

Provides that regular benefits paid with respect to all benefit years that begin on or after July 1, 2015, shall be charged against the experience rating account or reimbursement account of the most recent employer, provided that:

- (A) the most recent employer is a liable employer; and
- (B)(i) the most recent employer separated the individual from work under nondisqualifying conditions, or files the claim for the individual by submitting such reports as authorized by the Commissioner; or
- (ii) the individual separated from the most recent employer under nondisqualifying conditions.

Provides that regular benefits to be charged against the experience rating account or reimbursement account of the most recent employer shall be charged in the following manner:

- (A) benefits paid shall be charged to the account of the most recent employer, including those benefits paid based upon insured wages which were earned to requalify following a period of disqualification;
- (B) except as otherwise provided in subparagraph (E) below, benefits charged to the account of an employer shall not exceed the amount of wages paid by such employer during the period beginning with the base period of the individual’s claim and continuing through the individual’s benefit year;
- (C) except as otherwise provided in subparagraph (E) below, benefits shall not be charged to the account of an employer when an individual’s overpayment is waived;
- (D) except as otherwise provided in subparagraph (E) below, for the purposes of calculating an employer’s contribution rate, an account of an employer shall not be charged for benefits paid to an individual for unemployment that is directly caused by a presidentially declared natural disaster;
- (E)(i) an employer shall respond in a timely and adequate manner to a notice of a claim filing or a written request by the Department of Labor for information relating to a claim for benefits as specified in the rules or regulations prescribed by the Commissioner.
- (ii) any violation of (E)(i) by an employer or an officer or agent of an employer absent good cause may result in the employer’s account being charged for overpayment of benefits paid due to such violation even if the determination is later reversed; provided, however, that upon the finding of three violations of (E)(i) within a calendar year resulting in an overpayment of benefits, an employer’s account shall be charged for any additional overpayment and shall not be relieved of such charges unless good cause is shown; and
- (F) benefits paid to individuals shall be charged against the Unemployment Trust Fund when benefits are paid but not charged against an employer’s experience rating account or when the employer is not a liable employer.

Provides that applications for an adjustment or a refund of contributions, payments in lieu of contributions, or interest thereon shall be submitted no later than 3 years from the date such amounts were assessed. Applications must be in writing. The Commissioner shall determine what amounts, if any, were erroneously collected. Adjustments shall be made against subsequent payments. Refunds will be issued, without interest thereon, when adjustments cannot be made. At the option of the Commissioner, the Commissioner may make (previously, initiate) any adjustments or refunds deemed appropriate for any amounts erroneously collected where no written request for a refund or an adjustment has been received, provided such amounts were assessed within the last 7 (previously, 3) years. Amounts shall be refunded from the fund into which they were deposited.

Nonmonetary Eligibility

Provides that, where an individual has voluntarily left work, good cause in connection with the individual's most recent work shall be determined by the Commissioner according to the circumstances in the case; provided, however, that the following circumstances shall be deemed to establish such good cause, and the employer's account shall not be charged for any benefits paid out to an individual who leaves an employer:

- (i) to accompany a spouse who has been reassigned from one military assignment to another; provided, however, that the employer's account shall not be charged for any benefits paid out to the person who leaves to accompany a spouse reassigned from one military assignment to another; or
- (ii) due to family violence verified by reasonable documentation demonstrating that:
 - (I) leaving the employer was a condition of receiving services from a family violence shelter;
 - (II) leaving the employer was a condition of receiving shelter as a resident of a family violence shelter; or
 - (III) such family violence caused the individual to reasonably believe that the claimant's continued employment would jeopardize the safety of the claimant or the safety of any member of the claimant's immediate family.

Provides that, when voluntarily leaving an employer, the burden of proof of good cause in connection with the individual's most recent work shall be on the individual.

Overpayments

Provides that any action to recover an overpayment shall be brought by the Commissioner or an authorized representative of the Commissioner within 7 years from the release date of the notice of determination and overpayment by the Department.

INDIANA HB 1186
 (Pub. L. 183)

ENACTED May 5, 2015
EFFECTIVE July 1, 2015

Financing

Provides that amounts of the unemployment insurance surcharge (13 percent of the employer's contribution payable quarterly) not used to pay interest on Title XII advances but instead are deposited in the unemployment insurance benefit fund must be subtracted from the total amount of benefits charged to the fund under Section 22-4-11-1 of the Indiana Employment and Training Services Act in determining each employer's share of those benefits under Section 22-4-11-2(e)(1) of the Indiana Employment and Training Services Act. (Previously, the law required the amount of the surcharge deposited in the unemployment insurance benefit fund be credited to each employer's experience account in proportion to the amount the employer paid during the preceding 4 calendar quarters.)

Provides that, on the computation date, every employer who had taxable wages in the previous calendar year shall have the employer's experience account charged with the amount determined under the following formula:

- Step one: divide the employer's taxable wages for the preceding calendar year by the total taxable wages for the preceding calendar year.
- Step two: subtract the amount described in IC 22-4-10-4.5(e)(2), if any, from the total amount of benefits charged to the fund.
- Step three: multiply the quotient determined under step one by the difference determined under step two.

(Previously, the above formula consisted of two steps. Step one: divide the employer's taxable wages for the preceding calendar year by the total taxable wages for the preceding calendar year. Step two: multiply the quotient determined under step one by the total amount of benefits charged to the fund.)

Monetary Entitlement

Provides that an insured worker may not receive benefits in a second benefit year unless, after the beginning of the immediately preceding benefit year during which the individual received benefits, the individual performed insured work, earned remuneration in employment in at least each of 8 weeks, and earned remuneration equal to or exceeding the product of the individual's weekly benefit amount multiplied by 8. (Previously, the law required the individual to perform insured work and earn wages in employment under Section 22-4-8 of the Employment and Training Services Act, in an amount not less than the individual's weekly benefit amount established for the individual in the preceding benefit year, in each of 8 weeks.)

Nonmonetary Eligibility

Clarifies that, with respect to a determination of ineligibility for a failure without good cause to accept an offer of suitable work, the ineligibility shall continue for the week in which the failure occurs and until the individual earns remuneration in employment in at least each of 8 weeks, and remuneration equal to or exceeding the product of the individual's weekly benefit amount multiplied by 8. (Previously, the ineligibility continued for the week in which the failure occurred and until the individual earned remuneration in employment equal to or exceeding the weekly benefit amount of the individual's claim in each of 8 weeks.)

Overpayments

Provides that, for an overpayment for any individual other than an individual who knowingly makes, or causes to be made by another, a false statement or representation of a material fact knowing it to be false; or fails, or causes another to fail to disclose a material fact; or for any individual other than an individual who fails to report wages received during a week in which benefits were paid or because of the subsequent receipt of income deductible from benefits which is allocable to the week or weeks for which benefits were paid, the Department has 4 years from the date of the overpayment to establish that the overpayment occurred and the amount of the overpayment.

Deletes the language that the individual is liable to repay the established amount of the overpayment or have such amount deducted from any benefits otherwise payable to the individual within the 6-year period following the later of the date the Department establishes that an overpayment has occurred or the date that the determination of an overpayment becomes final following the exhaustion of all appeals. The provision currently provides that, whenever an individual receives benefits or extended benefits to which the individual is not entitled because the individual knowingly makes, or causes to be made by another, a false statement or representation of a material fact knowing it to be false; or fails, or causes another to fail to disclose a material fact, and as a result thereof has received any amount as benefits to which the individual is not entitled, the individual is liable to repay such amount with interest at the rate of 0.5 percent per month, or to have such amount deducted from any benefits otherwise payable to the individual.

Provides that any individual who fails to report wages received during a week in which benefits were paid or because of the subsequent receipt of income deductible from benefits which is allocable to the week or weeks for which benefits were paid and, as a result, is not entitled to such benefits shall be liable to repay such amount to the Department, or to have such amount deducted from any benefits otherwise payable to the individual. (Previously, provided that any individual who for any reason other than misrepresentation or nondisclosure has received any amount as benefits to which the individual is not entitled or because of the subsequent receipt of income deductible from benefits which is allocable to the week or weeks for which such benefits were paid becomes not entitled to such benefits shall be liable to repay such amount to the Department for the unemployment insurance benefit fund or to have such amount deducted from any benefits otherwise payable to the individual within the 3-year period following the later of the date the Department establishes that the overpayment occurred or the date that the determination that an overpayment occurred becomes final following the exhaustion of all appeals.)

Provides that an individual, who for any reason other than knowingly making or causing to be made by another a false statement or representation of a material fact knowing it to be false or fails or causes another to fail to disclose a material fact, and an individual who for any reason other than failing to report wages received during a week in which benefits were paid or because of the subsequent receipt of income deductible from benefits which is allocable to the week or weeks for which benefits were paid, has received any amount as benefits to which the individual

is not entitled is liable to repay that amount to the Department, or to have that amount deducted from any benefits otherwise payable to the individual.

Repeals the following Section 22-4-13-4 of the Employment and Training Services Act: Sec. 4.

(a) This section applies to an individual: (1) for whom the Department has established an overpayment by a final written determination; and (2) whose overpayment amount that is due and payable equals or exceeds the individual's weekly benefit amount multiplied by 4. (b) Notwithstanding any other law and subject to subsection (c), an individual is entitled to repay the established amount of an overpayment over a period: (1) beginning on the date the determination of the amount of the overpayment is final; and (2) ending on a date not later than the date occurring 36 months after the date the determination of the amount of the overpayment is final. (c) An individual to whom this section applies may repay an overpayment over time provided in subsection (b) not more than once during the individual's lifetime.

Establishes procedures for administrative withholding of benefit overpayments. Whenever the Department establishes an overpayment for an individual under Indiana Code 22-4-13-1(c) or Indiana Code 22-4-13-1(d), and the overpayment becomes final following the exhaustion of all appeals, the Department may, in addition to any other manner of collecting the overpayment provided by law, require each employer of an individual for whom an overpayment is established to withhold amounts from the individual's income and pay those amounts to the Department.

Provides that the Department shall provide a notice to an individual who is subject to withholding for benefit overpayments and to each of the individual's employers. A notice to withhold income will be sent to each employer of an individual who is subject to withholding. The notice to withhold is binding on the employer, and penalties will be assessed for an employer that refuses to withhold income or knowingly misrepresents an employee's income. Permits the individual to contest the withholding and assert exemptions from withholding by requesting an administrative review.

MAINE HB 477
 (CH 107)

ENACTED May 26, 2015
EFFECTIVE October 14, 2015

Financing

Provides that the following applies to the assignment of rates and transfers of experience in successor purchases when there is substantially no common ownership, management, or control between purchaser and predecessor. Effective as of the date on which the business was acquired:

(1) The executors, administrators, successors, or assigns of a new employer who acquires the business of the predecessor employer may acquire the experience rate of that employer with payrolls, contributions, and benefits or may be assigned the state average contribution rate, whichever rate is lower; and

(2) The executors, administrators, successors, or assigns of an existing employer with an established experience rate who acquires the business of the predecessor employer may acquire the experience rate of that predecessor employer with payrolls, contributions, and

benefits, which is then blended with the successor's established experience rate to form a new rate, or retain the established experience rate of the successor, whichever is lower.

MAINE HB 478
 (CH 39)

ENACTED April 29, 2015
EFFECTIVE October 14, 2015

Administration

Amends the name of the account to which unemployment insurance trust fund payments are deposited to "the tax deposit account." (Previously, "the combined unemployment insurance contributions and income tax withholding deposit account.")

Adds new language that allows employers to file quarterly payroll reports either electronically or on forms prescribed by the Bureau of Employment Security.

MAINE Rule 10728

ADOPTED April 8, 2015
EFFECTIVE April 5, 2015

Financing

Provides that, with respect to notices issued prior to June 19, 2014, a payment received as the result of a billing notice on which the employer was billed for both Maine income tax withheld and Maine unemployment contributions will be prorated between the two taxes using the tax amounts due as recorded on the bill. Maine income tax withheld and Maine unemployment contributions will be billed separately, and payments applied separately, with respect to notices issued on or after June 19, 2014. (Applies to tax periods beginning on or after January 1, 2014.)

MONTANA SB 85
 (CH 81)

ENACTED February 27, 2015
EFFECTIVE July 1, 2015

Financing

Adds to the provisions concerning collection of unpaid taxes, penalties, and interest by offset that the Montana Department of Labor and Industry may direct the offset of funds owed to a person under 26 U.S.C. 6402 if the person owes a covered unemployment insurance tax debt. "Covered unemployment insurance tax debt" means:

(a) employer contributions, penalties, and interest owed to the unemployment insurance fund for which the Department determines a person is liable and which remain uncollected; and

(b) any costs or processing fees associated with obtaining an offset for a covered unemployment insurance tax debt.

Overpayments

Adds to the provisions concerning the collection of benefit overpayments that the claimant is responsible for any costs or processing fees associated with obtaining an offset of funds owed to a person under 26 U.S.C. 6402 if the person owes a covered unemployment compensation debt.

Provides that the Department may enter into an agreement with a claimant for a lump-sum repayment to collect a benefit overpayment if the benefit overpayment was not the result of a false claim, a misrepresentation, or failure to disclose a material fact by the claimant. The agreement must provide that:

(i) the lump-sum repayment amount is more than 5 percent of the amount due; and
(ii) the remaining unpaid amount of the benefit overpayment is a debt that is forgiven if the claimant does not, in conjunction with a claim for unemployment benefits, make a false claim or misrepresentation or fail to disclose a material fact during the 2-year period following the claimant's repayment of the lump-sum amount agreed to.

Provides that, except as otherwise provided, a benefit offset may not exceed 50 percent of the weekly benefits to which a claimant is entitled unless the claimant gives consent. (Previously, unless the claimant gives written consent.)

Provides that, in provisions concerning collection of benefit compensation, the phrase "covered unemployment compensation debt" is changed to "covered unemployment compensation benefit debt" defined as:

- a benefit overpayment and penalty that has been adjudicated as a debt under Montana law and has remained uncollected and that is owed because of:

(i) the erroneous payment of unemployment compensation resulting from the person's own fraud; or

(ii) the person's failure to report earnings, irrespective of whether this failure constitutes fraud.

Previously, "covered unemployment compensation debt" meant (i) a benefit overpayment and penalty owed because of the erroneous payment of unemployment compensation resulting from fraud, which has been adjudicated as a debt under Montana law and has remained uncollected for not more than 10 years; or (ii) employer contributions, penalty, and interest owed to the unemployment trust fund that the Department determines are attributable to fraud and that have remained uncollected for not more than 10 years.

The above provisions apply retroactively to debts incurred on or before July 1, 2015.

MONTANA

SB 105
(CH 132)

ENACTED March 27, 2015

EFFECTIVE July 1, 2015

Appeals

Renames the "board of labor appeals" to "unemployment insurance appeals board".

Provides that the employer's request for a determination or redetermination pertains only to the experience factors or the major industrial classification that determines the classification and rate of contribution. The rate schedules and the method of calculation are not subject to appeal.

Provides that the notification to employers of the classification and rate of contribution applicable to their accounts is final for all purposes unless the employer files a written request with the Montana Department of Labor and Industry for a redetermination or hearing on the classification and rate of contribution within 30 days after the Department sends the notice. (Previously, within 30 days after the mailing date of the notice.)

Provides that a determination or redetermination of a claim for benefits is final unless an interested party applies for reconsideration of the determination or appeals within 10 days after the determination or redetermination was sent to the interested party's address of record. (Previously, within 10 days after the notification was mailed to the interested party's last-known address.)

Provides that the decision of an appeals referee after a hearing is final unless further review is initiated within 10 days after the decision was sent to the interested party's address of record. (Previously, within 10 days after notification was mailed to the interested party's last-known address.)

Provides that, when a decision is rendered by the board and copies of the decision are mailed to all interested parties, including the Department, that decision is final unless an interested party requests a rehearing or initiates judicial review by filing a petition in district court within 30 days of the date of sending the board's decision to the party's address of record. (Previously, within 30 days of the date of mailing of the board's decision to the party's last-known address.)

Provides that a decision of the board, in the absence of an appeal, becomes final 30 days after the decision was sent to the parties at their respective addresses of record. (Previously, any decision of the board, in the absence of an appeal therefrom as herein provided shall become final 30 days after the date of notification or mailing thereof.)

Provides that within 30 days after the decision (previously, within 30 days after the date of notification or mailing of the decision) of the board is sent to the parties at their respective addresses of record, any party aggrieved by the decision may secure judicial review by commencing an action in the district court of the county in which the party resides and in which action any other party to the proceeding before the board must be made a defendant.

Coverage

Excludes from the definition of employment services performed by an election judge appointed pursuant to Section 13-4-101 of the Montana Code if the remuneration received for those services is less than \$1,000 in a calendar year.

Financing

Provides that the Montana Department of Labor and Industry may not adjust wages that have been used for the purpose of establishing benefit eligibility after the statute of limitations provided in Section 39-51-2402 of the Montana Unemployment Insurance Law has expired, and a credit to the employers' account or a refund to employers may not be made with respect to those wages.

Provides that, if benefit charges exceed contributions paid in the last completed state fiscal year (previously, in the last 2 completed state fiscal years), governmental entities' rates must be adjusted by increasing all rates to the next higher schedule.

NEVADA

AB 389
(CH 458)

ENACTED June 6, 2015
EFFECTIVE October 1, 2015

Coverage

Redefines "employee leasing company" to mean a company which, pursuant to a written or oral agreement intended by the parties to create an ongoing relationship, places any of the regular, full-time employees of a client company on its payroll and, for a fee, leases them to the client company. (Previously "employee leasing company" meant a company which, pursuant to a written or oral agreement: (a) places any of the regular, full-time employees of a client company on its payroll and, for a fee, leases them to the client company on a regular basis without any limitation on the duration of their employment; or (b) leases to a client company: (1) 5 or more part-time or full-time employees; or (2) 10 percent or more of the total number of employees within a classification of risk established by the Commissioner.)

The term "ongoing relationship" means a relationship wherein the rights, duties, and obligations of an employer which arise out of an employment relationship are allocated between the employee leasing company and the client company on an ongoing, long-term basis. The term does not include a temporary or project-specific agreement between an employee leasing company and a client company.

An applicant (a person seeking a certificate of registration to operate an employee leasing company) that is required to submit a financial statement may submit a consolidated or combined audited financial statement that includes, but is not exclusive to, the applicant.

Provides that a client company of an employee leasing company as defined in Nevada Revised Statutes (NRS) 616B.670 shall be deemed to be the employer of the employees it leases for the purposes of Chapter 612 of NRS (purposes of unemployment compensation). (Previously, the law provided that an employee leasing company which complies with the provisions of NRS 616B.670 to 616B.697, inclusive, shall be deemed to be the employer of the employees it leases to a client company. The provisions apply only for the purposes of Chapters 612 and 616A to 617, inclusive, of NRS.)

Repeals NRS 616B.682 that required an employee leasing company to maintain an office or similar site in Nevada for retaining, reviewing, and auditing its payroll records and written agreements with client companies; to maintain at the office or site records establishing that the employee leasing company maintains current policies of workers' compensation insurance or

satisfies its obligation to provide such coverage; and to keep records open for inspection and copying.

NEVADA

SB 24
(CH 466)

ENACTED June 9, 2015
EFFECTIVE October 1, 2015

Administration

Allows the Administrator of the Employment Security Division, in accordance with a cooperative agreement among all participants in the statewide longitudinal data system developed pursuant to Nevada Revised Statutes (NRS) 400.040, to make the information obtained by the Division available to:

- the Board of Regents of the University of Nevada for the purpose of complying with the provisions of subsection 4 of NRS 396.531; and
- the Director of the Department of Employment, Training, and Rehabilitation for the purpose of complying with the provisions of paragraph (d) of subsection 1 of NRS 232.920.

Requires the Division of Industrial Relations of the Department of Business and Industry (previously, a private carrier that provides industrial insurance in this State) to periodically (previously, during the preceding month) submit to the Administrator, from information in the index of claims established pursuant to NRS 616B.018, a list containing the name of each person who received benefits pursuant to Chapters 616A to 616D, inclusive, or Chapter 617 of NRS. Upon receipt of that information, the Administrator shall compare the information so provided with the records of the Employment Security Division regarding persons claiming benefits for the same period. The information submitted by the Division of Industrial Relations (previously, by the private carrier) must be in a form determined by the Administrator and must contain the Social Security number of each such person. If it appears from the information submitted that a person is simultaneously claiming benefits, the Administrator shall notify the Attorney General or any other appropriate law enforcement agency. Deletes the language requiring the Administrator to charge a fee to cover the actual costs of any related administrative expenses.

Coverage

Excludes from the definition of “employment” services performed as a member of the Nevada Army National Guard or Nevada Air National Guard unless the member:

- (a) was ordered to full-time active duty for at least 90 consecutive days;
- (b) is paid under Title 32 of the U.S. Code;
- (c) is released from military service under unemployment compensation for Ex-servicemembers (UCX) eligibility separation reasons; and
- (d) is otherwise entitled to receive benefits.

Overpayments

Provides that, except as otherwise provided in the next paragraph, at any time within 5 years after the notice of overpayment, the Administrator may recover the amount of the overpayment by using the same methods of collection for the collection of past due contributions or by deducting the amount of the overpayment from any benefits payable to the liable person. Provides that, if the overpayment is due to fraud, misrepresentation, or willful nondisclosure, the Administrator may, within 10 years after the notice of overpayment, recover any amounts due in accordance with the provisions of NRS 612.7102 to 612.7116, inclusive.

Provides that, in addition to other criteria, a person shall not make a false statement or representation, knowing it to be false, or knowingly fail to disclose a material fact in order to obtain or increase any benefit or other payment, including, without limitation, by filing a claim for or receiving benefits and failing to disclose, at the time he or she files the claim or receives the benefits, any compensation for a temporary total disability or a temporary partial disability or money for rehabilitative services pursuant to Chapters 616A to 616D, inclusive, or 617 of NRS received by the person or for which a claim has been submitted pursuant to those Chapters.

NEVADA Rule 5884

ADOPTED June 12, 2015
EFFECTIVE June 3, 2015

Coverage

Provides that full-time active duty in the Nevada National Guard or Nevada Air National Guard by members with 90 days or more of continuous service will be considered as employment. Members of the National Guard may receive unemployment insurance benefits if the following apply:

- (a) Member is ordered to full-time active duty for at least 90 continuous days.
- (b) Member is paid under Title 32 of the U.S. Code.
- (c) Member is released from military service under unemployment compensation for Ex-servicemembers (UCX) eligibility separation reasons.
- (d) Member is otherwise entitled to receive unemployment benefits per unemployment insurance regulations.

Provides that this rule is temporary and expires November 1, 2015.

NEW JERSEY SB 1622
(CH 40)

ENACTED and EFFECTIVE May 4, 2015

Financing

Provides that, upon a determination by the Controller of the Department of Labor that an employer has failed to pay any required contribution to the unemployment compensation fund, the State disability benefits fund, or the Family Temporary Disability Leave Account of the State disability benefits fund, including any contribution which the employer is required to collect from his or her employees to pay into the funds, has not made the required payment after notification by the Controller of the failure, and has not been approved by the Controller for an

extension of time in which to make the payment or for other deferral of payment, the Controller shall notify the Director of the Division of Budget and Accounting in the Department of the Treasury of the failure.

The amount of assessment for contributions, penalties, and interest due shall be regarded as a State tax debt of the employer. If the employer is under contract to provide goods or services to the State or its agencies or instrumentalities, including the legislative and judicial branches of the State government, the set-off procedures shall be utilized to have payments withheld from the employer under the contract as needed to satisfy the indebtedness. A fine equal to 25 percent of the contributions owed shall also be withheld in addition to the amount of the indebtedness. This provision shall not apply to any employer mentioned in this paragraph if the indebtedness is less than \$300.

In the case of a failure to pay contributions to the unemployment compensation fund, the delinquent amount of contributions shall be deposited into the unemployment compensation fund after which the fine, penalties, and interest due shall be deposited into the unemployment compensation auxiliary fund.

In the case of a failure to pay contributions to the State disability benefits fund or the Family Temporary Disability Leave Account of the State disability benefits fund, the delinquent amount of contributions shall be deposited into the State disability benefits fund or the Family Temporary Disability Leave Account of that fund, as appropriate after which the fine, penalties, and interest due shall be deposited into the administration account of the State disability benefits fund. A portion of the fines shall be used to reimburse the Division of Budget and Accounting for expenses incurred by the Department of the Treasury.

RHODE ISLAND	HB 5937 (CH 112)	SB 761 (CH 102)	ENACTED June 19, 2015 EFFECTIVE June 19, 2015, unless otherwise noted
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Overpayments

Provides that a monetary or nonmonetary determination may be reconsidered and a new determination issued any time within one year of the date of the original determination if the determination was the result of a mistake, an error has occurred in connection with it, or the initial determination was the result of nondisclosure or misrepresentation of a material fact. Previously undetected or unknown issues may be redetermined within one year of the discovery of the issue. Any issue that is older than 6 years as of the date of detection of the issue shall not be addressed.

Provides that benefits paid during an employer's appeal that is sustained are not recoverable unless the overpayment is the result of fraud committed by the claimant. Effective October 1, 2013, an overpayment established following an employer's appeal that is the result of fraud shall be recoverable from the claimant with penalties and interest.

RHODE ISLAND	HB 5957 (CH 113)	SB 759 (CH 101)	ENACTED and EFFECTIVE June 19, 2015
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Appeals

Provides that an employer who fails to respond to a benefit claim notice within 10 working days (previously, 7) shall not be allowed to contest the determination related to that claim or any resultant benefit charges.

Coverage

Provides that service performed by a self-employed individual is added to the exemptions from the definition of employment.

Nonmonetary Eligibility

Requires an individual to be physically able and available for work full-time and conduct an active search for full-time employment to be eligible for benefits.

Provides that a suspension for proven misconduct shall be treated the same as a discharge for proven misconduct.

Overpayments

Provides that receipt of unemployment benefits deposited to a direct deposit account or electronic payment card is considered a statement acknowledging benefit eligibility and is unlawful if the individual knowingly made a false or fraudulent statement for the purpose of receiving benefits.

VIRGINIA

HB 1386
(CH 595)

ENACTED and EFFECTIVE March 26, 2015

Financing

Exempts out-of-state businesses operating in Virginia from making unemployment insurance contributions during declared emergencies when those businesses are aiding the state in recovering from the declared disaster.