

## CHAPTER 3

### MONETARY ENTITLEMENT

#### IN GENERAL

This chapter deals with the monetary requirements of state UI laws, including work history, benefit amounts, and the length of time during which an individual may receive UI.

Although the states have developed many different ways to determine monetary entitlement to UI, there are also many similarities. This chapter discusses the following:

- The wages and employment needed in a “base period” to qualify.
- The period during which UI may be collected, commonly called the “benefit year.”
- The amount payable for a week of total or partial unemployment.
- Dependents’ allowances.
- Waiting periods.
- The maximum amount of regular UI an individual may receive in a benefit year.

*Note:* Information regarding deductible income provisions is located in the nonmonetary eligibility chapter starting on page 5-39.

While most individuals are employed in the state in which they reside, many individuals regularly commute to a different state to work, work in more than one state, or move to a different state to look for new work when they become unemployed. The law of the state under which the individual claims UI benefits applies as it would for any other individual. Determinations on eligibility, disqualifications, and the amount and duration of benefits are made by the state in which the wages were paid. However, the process by which these individuals apply for UI benefits may vary. (For example, the Interstate Benefit Payment Plan provides a method of filing for UI benefits in the state in which an individual has qualifying wages even though the individual is not physically present in that state.)

Although this chapter analyzes monetary factors separately, the relationship among these factors is complex. In comparing state laws, consideration often needs to be given to these relationships.

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## BASE PERIOD AND BENEFIT YEAR

As previously stated, an individual's benefit rights are determined using wages and employment during a period of time called the base period. Benefits may be paid during a period of time called the benefit year. Individuals who exhaust their benefits before the end of a benefit year must wait until a new benefit year is established before they can again draw benefits.

**BENEFIT YEARS**—The benefit year is a 1-year or 52-week period during which an individual may receive benefits based on a previous period of employment. In all states, the beginning date of the benefit year depends on when an individual first files a “valid claim,” meaning the individual meets minimal wage and employment requirements. In most states, the benefit year begins with the week in which the valid claim is filed. Exceptions are:

| TABLE 3-1: WHEN BENEFIT YEAR BEGINS - OTHER THAN THE WEEK A FIRST CLAIM IS FILED |  |
|--|--|
| AR   | Benefit year begins with the first day of the quarter in which a claim is first filed. As a result, the benefit “year” ranges from 40 to 52 weeks. |
| NY   | Benefit year consists of 53 weeks beginning with the effective date of a valid claim.  |

**BASE PERIODS**—The base period is the time period during which wages earned and/or hours/weeks worked are examined to determine an individual’s monetary entitlement to UI. Almost all states use the first 4 of the last 5 completed calendar quarters preceding the filing of the claim as their base period. Massachusetts uses the four completed calendar quarters preceding the first day of the benefit year. Minnesota uses the last four completed calendar quarters provided the effective date of the claim is not during the month immediately following the fourth completed calendar quarter.

Because base period employment and/or earnings are an imperfect proxy for labor market attachment, there are instances when individuals with labor market attachment are ineligible for UI benefits. To address this, some states developed expanded definitions of the base period.

**Alternative Base Periods (ABP)**—A base period consisting of the first 4 of the last 5 completed calendar quarters results in a lag of up to 6 months between the end of the base period and the date an individual becomes unemployed/files a claim. As a result, the individual’s most recent work history is not used when making an eligibility determination. For individuals failing to qualify under the regular base period, several states use an ABP. For example, if the individual fails to qualify using wages and employment in the first 4 of the last 5 completed calendar quarters, then the state will use wages and employment in the last 4 completed calendar quarters.

**Extended Base Periods (EBP)**—Several states allow individuals who have no wages in the current base period to use older wages and employment under certain conditions. These conditions typically involve illness or injury. For example, an individual who was injured on the job and who has collected workers’ compensation benefits may use wages and employment preceding the date of the individual’s injury to establish eligibility. (Note that some state laws may describe these base periods as “alternative” base periods.)

The following table outlines the options states use in addition to the standard base period.

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**TABLE 3-2: STATES WITH ALTERNATIVE AND EXTENDED BASE PERIODS**

| State | ABP/EBP  | State | ABP/EBP  |
|-------|--|-------|--|
| AK    | ABP: Last 4 completed quarters<br>-----<br>EBP: BP extended up to 4 quarters if claimant was incapable of working during the greater part of a quarter   | AR    | ABP: Last 4 completed quarters<br>-----<br>EBP: Up to 4 quarters if individual has insufficient wages to establish a claim because of a job-related injury for which the individual received worker's compensation                               |
| AZ    | EBP: Last 4 completed quarters following previous BP when new BY overlaps preceding BY; also, first 4 of last 5 completed quarters preceding the week a compensable industrial injury began if not qualified under normal base period, if claim is filed within 2 years of beginning of disability   | CA    | ABP: Last 4 completed quarters   |
| CO    | ABP: Last 4 completed quarters   | CT    | ABP: Last 4 completed quarters<br>-----<br>EBP: Last 4 completed quarters preceding sickness or disability   |
| DE    | ABP: Last 4 completed quarters   | DC    | ABP: Last 4 completed quarters   |
| GA    | ABP: Last 4 completed quarters   | HI    | ABP: Last 4 completed quarters   |
| ID    | ABP: Last 4 completed quarters<br>-----<br>EBP: An individual who experienced a temporary total disability may elect a BP of the first 4 of the last 5 completed quarters preceding the disability if the individual filed a claim within 3 years of the disability and no longer than 6 months after the end of the disability                      | IL    | APB: Last 4 completed quarters<br>-----<br>EBP: BP extended up to 1 year if the claimant received temporary total disability under a workers' compensation act or occupational diseases act  |
| IN    | EBP: Up to 4 quarters preceding the last day the individual was able to work   | IA    | ABP: Last 4 completed quarters<br>-----<br>EBP: BP extended 3 or more quarters if the individual received workers' compensation or weekly indemnity insurance benefits for 3 or more quarters  |
| KS    | ABP: Last 4 completed quarters<br>-----<br>EBP: Last 4 completed quarters preceding the date of qualifying injury  | KY    | EBP: BP extended up to 4 quarters, if an individual, due to job-related injury or who has received workers' compensation, files a UI claim within 4 weeks after having received workers' compensation  |
| ME    | ABP: Last 4 completed quarters<br>-----<br>EBP: BP extended up to 4 quarters if 1 quarter has been used in a previous determination, extend the BY up to 1 week if there would otherwise be overlapping of the same quarter in 2 consecutive BPs   | MD    | ABP: Last 4 completed quarters   |
| MA    | ABP: Last 3 quarters, plus any weeks of work in quarter in which claim is filed. (Individual may also elect to use this ABP if it results in a 10% or more increase in WBA)<br>-----<br>EBP: BP extended to 52 weeks if claimant received compensation for temporary total disability under an workers' compensation law for more than 7 weeks in BP | MI    | ABP: Last 4 completed quarters if individual fails to meet qualifying wage requirements  |
| MN    | ABP: First 4 of last 5 completed quarters <sup>1</sup><br>-----<br>EBP: Up to 4 quarters depending on length of time an individual received compensation for temporary disability under an workers' compensation law   | MT    | ABP: Last 4 completed quarters<br>-----<br>EBP: Up to 4 quarters preceding the disability if the claim was filed within 24 months from the date of the individual's disability   |
| NE    | ABP: Last 4 completed quarters   | NV    | ABP: Last 4 completed quarters<br>-----<br>EBP: Last 4 quarters preceding BY if 1 quarter has been used in a previous determination, extend the BY up to 1 week if there would otherwise be overlapping of the same quarter in 2 consecutive BPs |
| NH    | ABP: Last 4 completed quarters   | NJ    | ABP: BP may be one of two alternatives: (1) last 4 completed quarters or (2) last 3 completed quarters, plus any weeks of work in quarter in which claim is filed  |

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**TABLE 3-2: STATES WITH ALTERNATIVE AND EXTENDED BASE PERIODS**

| State | ABP/EBP  | State | ABP/EBP   |
|-------|--|-------|---|
| NM    | ABP: Last 4 completed quarters   | NY    | ABP: Last 4 completed quarters  |
| NC    | ABP: Last 4 completed quarters<br>-----<br>EBP: Up to 4 quarters, if individual has insufficient wages to establish a claim because of a job related injury for which the individual received workers' compensation  | OH    | ABP: Last 4 completed quarters  |
| OK    | ABP: Last 4 completed quarters<br>-----<br>EBP: 4 quarters prior to regular base period  | OR    | ABP: Last 4 completed quarters<br>-----<br>EBP: BP extended up to 4 quarters if the individual is disabled for the majority of a quarter. If the individual received worker's compensation, the base year can be extended up to 4 quarters preceding the illness or injury.   |
| PA    | EBP: Last 4 completed quarters immediately preceding the date of the injury if the individual was eligible for workers' compensation during the individual's current BP  | PR    | ABP: Last 4 completed quarters  |
| RI    | ABP: Last 4 completed quarters<br>-----<br>EBP: Individual who received workers' compensation and has requested reinstatement to a previous position that no longer exists is eligible to have base period determined as of the date of the work related injury  | SC    | ABP: Last 4 completed quarters  |
| SD    | ABP: Last 4 completed quarters<br>-----<br>EBP: Individual who received temporary total disability payments under workers' compensation law may use a BP of the first 4 of the last 5 completed quarters preceding the disability, if a claim is filed within 24 months of the date the disability was incurred    | TN    | ABP: Last 4 completed quarters  |
| TX    | EBP: If an initial claim is filed within 24 months from the date an individuals' illness or injury began or occurred, the BP will be the first 4 of the last 5 completed quarters preceding the illness or injury  | UT    | ABP: Last 4 completed quarters<br>-----<br>EBP: First 4 of last 5 completed quarters prior to date of illness/injury. Individual must have received temporary disability payments during normal BP, filed initial claim no later than 90 days after release to work and within 36 months of the date the injury/illness occurred. |
| VA    | ABP: Last 4 completed quarters   | VI    | ABP: Last 4 completed quarters  |
| VT    | ABP: One of two alternatives: (1) last 4 quarters or, if still ineligible, (2) last 3 quarters plus any weeks of work in quarter in which claim is filed   | WA    | ABP: Last 4 completed quarters  |
| WV    | ABP: Last 4 completed quarters <sup>2</sup>  | WI    | ABP: Last 4 completed quarters  |
| WY    | EBP: An individual who experienced a temporary total disability under workers' compensation may elect a BP of the last 4 completed quarters preceding the date of injury if the individual filed a claim within 3 years of the date of injury and no longer than 60 days after notice of the end of the disability |       |   |

GENERAL NOTE: Information about various base periods used in MA and MN is located in paragraphs preceding this table.

<sup>1</sup> If the claim has an effective date during the month immediately following the last completed calendar quarter, the base period is the first 4 of the last 5 completed calendar quarters; however, the first 4 of the last 5 completed calendar quarters must be used if the claimant has more wage credits in those quarters than in the last 4 completed quarters.

<sup>2</sup> To be eligible under ABP, must have total BPW of at least \$2,200 and wages in at least 2 quarters.

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## QUALIFYING WAGES OR EMPLOYMENT

All states require an individual to have earned a certain amount of wages or to have worked for a certain period of time (or both) within the base period to be monetarily eligible to receive any UI benefits. Most individuals qualify for benefits based on employment and wages in a single state. However, some individuals who work in more than one state will not have sufficient employment and wages in any single state to establish monetary eligibility, or would be eligible for a lower weekly benefit amount. In these situations, individuals may file a claim in one of the states where they worked, and elect to combine the employment and wages earned in all of the states in which they had employment and wages to establish eligibility or to increase the weekly benefit amount. The “paying state” for a combined wage claim combines all base period employment and wages earned under its law with employment and wages transferred from other states to determine the individual’s monetary eligibility under its law. For example, if the individual has earned wages in Illinois and Indiana, the individual may elect to file a combined wage claim using Illinois’ law. Because of the potential of establishing more than one benefit year in more than one state, Federal regulations stipulate that employment and wages transferred from one state to a second state for use in establishing a combined wage claim in that second “paying” state cannot be used again to establish monetary eligibility. The methods that states use to determine monetary eligibility vary greatly, as described in the following text.

**Multiple of High-Quarter Wages**—Under this method, individuals must earn a certain dollar amount in the quarter with the highest earnings of their base period. Individuals must also earn total base period wages that are a multiple of—typically 1.5—the high quarter wages. For example, if an individual earns \$5,000 in the high quarter, the individual must earn another \$2,500 in the rest of the base period. States require earnings in more than one quarter to minimize the likelihood that individuals with high earnings in only one quarter receive benefits. Although monetarily eligible, those individuals wouldn’t be substantially attached to the labor market.

**Multiple of Weekly Benefit Amount**—Under this method, the state first computes the individual’s weekly benefit amount. The individual must have earned a multiple of—often 40—this amount during the base period. For example, if an individual’s weekly benefit amount equals \$100, then the individual will need base period earnings of 40 times \$100—or \$4,000—before any UI would be paid. Most states also require wages in at least two quarters. Some states have weighted schedules that require varying multiples for varying weekly benefits.

**Flat Qualifying Amount**—States using this method require a certain dollar amount of total wages to be earned during the base period. This method is used by most states with an annual-wage requirement for determining the weekly benefit and by some states with a high-quarter-wage/weekly benefit requirement.

**Weeks/Hours of Employment**—Under this method, the individual must have worked a certain number of weeks/hours at a certain weekly/hourly wage.

The following table provides information on the qualifying formulas used by the states and the minimum wages needed to qualify for UI in each state.

| <b>TABLE 3-3: BASE PERIOD WAGE AND EMPLOYMENT REQUIREMENTS FOR BENEFITS</b> |   |                                  |                        |
|---|---|----------------------------------|------------------------|
| State   | Qualifying Formula: Wages or Employment   | Minimum Wages Needed to Qualify: |                        |
|   |   | High Quarter                     | Base Period            |
| AL  | 1½ x HQW in BP and qualifies for at least the minimum WBA   | >\$1,157                         | >\$2,314<br>(in 2 HQs) |
| AK  | \$2,500 flat amount and wages in 2 quarters of BP   |                                  | \$2,500                |
| AZ  | 1½ x HQW in BP and 390 x minimum wage in effect (\$3,042) in one quarter<br>or alternative: flat-amount requirement - wages in 2 quarters of BP, wages in 1 quarter sufficient to qualify for the maximum WBA and total BPW ≥ the taxable wage base (\$7,000) | \$3,042                          | \$4,563                |

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**TABLE 3-3: BASE PERIOD WAGE AND EMPLOYMENT REQUIREMENTS FOR BENEFITS**

| State | Qualifying Formula: Wages or Employment   | Minimum Wages Needed to Qualify: |                       |
|-------|---|----------------------------------|-----------------------|
|       |   | High Quarter                     | Base Period           |
| AR    | 35 x WBA in BP and wages in 2 quarters of BP  |                                  | \$2,835               |
| CA    | \$1,300 in HQ<br>or alternative: \$900 in HQ with BPW = 1¼ x HQ   | \$900                            | \$1,125               |
| CO    | 40 x WBA or \$2,500 in BP, whichever is greater   | \$1,084<br>(in 2 HQs)            | \$2,500               |
| CT    | 40 x WBA in BP  |                                  | \$600                 |
| DE    | 36 x WBA in BP. If insufficient BPW, but (36 x WBA) – BPW ≤ \$180, eligible for reduced WBA   |                                  | \$720                 |
| DC    | 1½ x HQW in BP, or within \$70 of meeting the 1½ HQW in BP requirement, and \$1,300 in one quarter  | \$1,300                          | \$1,950               |
| FL    | 1½ x HQW in BP; minimum of \$3,400 in BP; wages in 2 quarters   | \$2,267                          | \$3,400               |
| GA    | 1½ x HQW in BP<br>or alternative: 1/21 HQW for WBA with 40 x WBA in BP and wages in 2 quarters  | \$924                            | \$1,760<br>(in 2 HQs) |
| HI    | 26 x WBA in BP and wages in 2 quarters  |                                  | \$130                 |
| ID    | 1¼ x HQW in BP and \$1,872 in HQW. Minimum HQW, determined on January 1, must equal 50% of state minimum wage multiplied by 520 hours.  | \$1,872                          | \$2,340               |
| IL    | \$1,600 flat amount and \$440 outside HQ  |                                  | \$1,600               |
| IN    | 1½ x HQW in BP, not less than \$4,200 in BP, and wages totaling at least \$2,500 in last 2 quarters of BP   |                                  | \$4,200               |
| IA    | 1¼ x HQW in BP (HQW must equal 3½% of the statewide AAW) and ½ HQW in another quarter   | \$1,360                          | \$2,040               |
| KS    | 30 x WBA in BP and wages in 2 quarters  | \$2,683                          | \$3,420               |
| KY    | 1½ x HQW in BP, 8 x WBA in last 2 quarters of BP, \$750 outside HQ  | \$1,963                          | \$2,944               |
| LA    | 1½ x HQW in BP  | \$800                            | \$1,200               |
| ME    | 2 x AWW in each of 2 different quarters and total wages of 6 x AWW in BP  | \$1,434<br>(in each of 2 Qs)     | \$4,303               |
| MD    | 1½ x HQW in BP, \$1176.01 in HQ and wages in 2 quarters. If doesn't meet qualifying requirement for WBA computed on HQW but does meet requirement for next lower bracket, eligible for lower WBA, step down of 6 brackets; the multiple (1½) is not applied to the individual's HQW, but the qualifying amount, shown in a schedule, is computed at the upper limit of each wage bracket (assuming a normal interval at the maximum benefit amount) | \$1176                           | \$1800                |
| MA    | 30 x WBA in BP and \$3,500 minimum in BP  |                                  | \$3,500               |
| MI    | 1½ x HQW in BP<br>or alternative: BPW equal to 20 times the state AWW and wages in 2 quarters   | \$2,871                          | \$4,307               |
| MN    | Higher of \$2,400 in BP or 5.3 percent of state AAW rounded to the lower \$100  |                                  | \$2,500               |
| MS    | 40 x WBA in BP, 26 x minimum WBA in HQ and wages in 2 quarters  | \$780                            | \$1,200               |
| MO    | 1½ x HQW in BP and \$1,500 in one quarter;<br>or alternative: wages in 2 quarters and BPW of 1½ x maximum taxable wage base for that year   | \$1,500                          | \$2,250               |
| MT    | 1½ x HQW in BP with total BP wages ≥ 7% of the AAW<br>or alternative: Total BPW ≥ 50% of AAW  | \$1,630                          | \$2,445               |
| NE    | \$3,962 in BP, and \$1,850 in HQ, \$800 in another quarter  | \$1850                           | \$3,962               |
| NV    | 1½ x HQW in BP and \$400 in HQ<br>or alternative: wages in 3 of the 4 quarters in the BP and \$400 in HQ  | \$400                            | \$600                 |
| NH    | \$1,400 in each of 2 quarters   | \$1,400                          | \$2,800               |

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**TABLE 3-3: BASE PERIOD WAGE AND EMPLOYMENT REQUIREMENTS FOR BENEFITS**

| State | Qualifying Formula: Wages or Employment  | Minimum Wages Needed to Qualify: |                        |
|-------|--|----------------------------------|------------------------|
|       |  | High Quarter                     | Base Period            |
| NJ    | 20 base weeks (20% of AWW)<br>or alternative: 1,000 times the state minimum hourly wage (\$7.25)   |                                  | \$2,900                |
| NM    | Wages in 2 quarters  | \$1,847                          | \$1,848                |
| NY    | 1½ x HQW in BP and wages in 2 quarters   | \$1,600                          | \$2,400                |
| NC    | 6 x AWW in BP and wages in 2 quarters  | \$1,196                          | \$4,816                |
| ND    | 1½ x HQW in BP and wages in 2 quarters   | \$1,864                          | \$2,795                |
| OH    | 20 weeks employment with wages in each week of at least 27.5% of the state AWW in BP and wages in 2 quarters   |                                  | \$4,600                |
| OK    | 1½ x HQW in BP and \$1,500 in BP<br>or alternative: flat-amount requirement ≥ \$20,100 in BP (100% state taxable wage base)  | \$375                            | \$1,500                |
| OR    | 1½ x HQW in BP and \$1,000 in BP<br>or alternative: flat-amount requirement 500 hours of employment in BP  | \$667                            | \$1,000                |
| PA    | 18 credit weeks and at least 49.5% BPW outside of HQ (see table in law)  | \$1,688                          | \$3,391                |
| PR    | 40 x WBA in BP and wages in 2 quarters; if fail to meet qualifying requirement for WBA computed on HQW but do meet qualifying requirement for next lower bracket, eligible for lower WBA, unlimited step-down provision. PR has a flat qualifying requirement for agricultural workers. Individual's annual salary is used for agricultural workers. | \$77                             | \$280                  |
| RI    | 1½ x HQW in BP and 200 x minimum hourly wage in 1 quarter and BP wages at least 400 x the minimum hourly wage<br>or alternative: \$1200 x minimum hourly wage in BP  | \$1,550                          | \$3,100                |
| SC    | 1½ x HQW in BP and \$1,092 HQW and \$4,455 BPW   | \$1,092                          | \$4,455                |
| SD    | \$728 in HQ and 20 x WBA outside HQ  | \$728                            | \$1,288                |
| TN    | 40 x WBA in BP and lesser of 6 x WBA or \$900 outside HQ   | >\$780                           | >\$1,560               |
| TX    | 37 x WBA in BP and wages in 2 quarters   | \$1,538                          | \$2,294                |
| UT    | 1½ x HQW in BP (BPW must be 8% of state average fiscal year wages in BP, rounded to the higher \$100)  | \$2,200                          | \$3,300                |
| VT    | 1.4 x HQW in BP (HQW will be adjusted by a percentage increase equal to the percentage increase in the state minimum wage for the prior year)  | \$2,227 <sup>4</sup>             | \$3,118                |
| VA    | \$2,700 in 2 highest 2 quarters of BP  |                                  | \$2,700*<br>(in 2 HQs) |
| VI    | 1½ x HQW in BP<br>or alternative: flat-amount requirement \$858 in HQW and 39 x WBA in BP  | \$858                            | \$1,287                |
| WA    | 680 hours employment in BP and wages in BP or alternate BP   |                                  |                        |
| WV    | \$2,200 flat amount and wages in 2 quarters  |                                  | \$2,200                |
| WI    | 35 x WBA in BP with 4 x WBA outside HQ and wages in at least 2 quarters  | \$1,350                          | \$1,890                |
| WY    | 1.4 x HQW in BP and wages in 2 quarters (BPW must be ≥ 8% of statewide AAW rounded down to lowest \$50)  | \$2,464                          | \$3,450                |

GENERAL NOTE: Additional monetary requirements in some state laws result in minimum high quarter and/or base period wages that are higher than what the qualifying formula alone would require.

\* July 6, 2014, BP requirement will be \$3,000 in 2 highest quarters.

## MONETARY ENTITLEMENT QUALIFYING FOR A SECOND BENEFIT YEAR

Since the standard base period established by the states' laws results in a significant lag between the end of the base period and the establishment of a benefit year, an individual could conceivably use lag-period wages and employment to qualify for 2 consecutive benefit years during one long unemployment spell (after benefits are exhausted and the first benefit year ended). As a result, all states require individuals to earn wages after the beginning of the first benefit year. In many states, the amount an individual must earn is a multiple (from 3 to 10) of the weekly benefit amount. A few states require an individual to earn wages sufficient to meet the minimum qualifying requirement. In addition, some states specify that the wages needed to requalify must be earned in covered employment.

| TABLE 3-4: WAGES NEEDED TO ESTABLISH NEW BENEFIT YEAR (AMOUNT TIMES WBA UNLESS INDICATED) |   |  |  |                               |       |   |  |  |                               |
|---|---|--|--|-------------------------------|-------|---|--|--|-------------------------------|
| State   | Subsequent to Beginning of Preceding Benefit Year   | Subsequent to Date of Last Valid Claim | Other  | Wages Must Be in Insured Work | State | Subsequent to Beginning of Preceding Benefit Year | Subsequent to Date of Last Valid Claim | Other                                  | Wages Must Be in Insured Work |
| AL  | 8   |  |  | X                             | AK    | 8   |  |  |                               |
| AZ  | 8   |  |  |                               | AR    | 8   |  |  | X                             |
| CA  |   |  | Equivalent qualifying wages as in preceding BY |                               | CO    | \$2,000   |  |  |                               |
| CT  | 5 or \$300, whichever is greater                    |  |  | X                             | DE    |   | 10                                     |  | X                             |
| DC  | 10  |  |  |                               | FL    | 3   |  |  |                               |
| GA  | 10  |  |  | X                             | HI    | 5   |  |  | X                             |
| ID  | 6; wages must be in bona fide work                  |  |  |                               | IL    | 3   |  |  |                               |
| IN  | 8   |  |  | X                             | IA    | \$250   |  |  | X                             |
| KS  | 8   |  |  | X                             | KY    | 5   |  |  |                               |
| LA  | 6; or 3/13th of HQW, whichever is less              |  |  | X                             | ME    | 8   |  |  | X                             |
| MD  | 10  |  |  | X                             | MA    | 3   |  |  |                               |
| MI  | 5   |  |  |                               | MN    | \$2400 or 5.3% AAW                                |  |  | X                             |
| MS  | 8   |  |  | X                             | MO    |   | 5; 10 x WBA in non-covered work        |  | X                             |
| MT  | 6; or 3/13th of HQW, whichever is less              |  |  | X                             | NE    |   |  | Wages in insured work at least 6 x WBA | X                             |
| NV  | 3   |  |  |                               | NH    | \$700 during or subsequent to benefit year        |  |  | X                             |
| NJ  | 4 weeks of employment and at least 6 x WBA in wages |  |  |                               | NM    | 5   |  |  |                               |
| NY  | 5   |  |  |                               | NC    | 10  |  |  | X                             |

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| TABLE 3-4: WAGES NEEDED TO ESTABLISH NEW BENEFIT YEAR (AMOUNT TIMES WBA UNLESS INDICATED) |   |  |       |                               |       |   |  |       |   |
|---|---|--|-------|-------------------------------|-------|---|--|-------|---|
| State   | Subsequent to Beginning of Preceding Benefit Year | Subsequent to Date of Last Valid Claim | Other | Wages Must Be in Insured Work | State | Subsequent to Beginning of Preceding Benefit Year | Subsequent to Date of Last Valid Claim | Other | Wages Must Be in Insured Work   |
| ND  |   | 10 <sup>1</sup>                        |       | X                             | OH    | 3 x AWW and covered employment in 6 weeks         |  |       | X   |
| OK  | 10  |  |       | X                             | OR    | 6   |  |       | X   |
| PA  | 6   |  |       |                               | PR    | 3; for at least one CQ, but not < \$50            |  |       | X   |
| RI  | 80 x the minimum hourly wage                      |  |       | X                             | SC    | 8   |  |       | Insured work; must be with a single employer  |
| SD  | 4   |  |       | X                             | TN    | 5   |  |       | X   |
| TX  | 6   |  |       |                               | UT    | 6   |  |       | X   |
| VT  | 4   |  |       | X                             | VA    | 30 days or 240 hours of work <sup>2</sup>         |  |       | X   |
| VI  | 6   |  |       |                               | WA    | 6   |  |       |   |
| WV  | 8   |  |       | X                             | WI    | 8   |  |       | X   |
| WY  | 8   |  |       |                               |       |   |  |       | <sup>1</sup> Does not apply to employment by a partnership, corporation, or limited liability company if, at the time claim is filed, ownership interest has been ceded.<br><sup>2</sup> Must be with one employer. |

## WEEKLY BENEFIT AMOUNT

After determining if an individual has sufficient wages and/or employment to qualify for UI benefits, it is necessary to determine what the weekly benefit amount – the amount payable for a week of total unemployment – will be. As previously mentioned, UI is intended to provide partial wage replacement. For this reason, all individuals do not receive the same benefit amount. Some states replace approximately 50% of individuals' lost wages up to a certain limit (usually the average weekly wage in the state). As a result, states tend to replace a higher percentage of low wage individuals' income than they do for high wage individuals. Several states provide dependents' allowances. All states round weekly benefits to an even dollar amount.

States determine eligibility for UI on the basis of the calendar week (generally, Sunday through the following Saturday). In many states, the claim week is adjusted to coincide with the employer's payroll week when an individual files a benefit claim for partial unemployment.

### METHODS OF COMPUTING WEEKLY BENEFITS

As with qualifying wages, states utilize a variety of methods to determine an individual's weekly benefit amount.

**High-Quarter Method**—More than half of the states determine the weekly benefit amount by using the base period quarter in which wages were highest. This quarter is viewed as the period most nearly reflecting full-time work for the individual. By dividing this amount by 13 – the number of weeks in a calendar quarter – the average weekly wage is calculated. Based on the percentage of the weekly wage the state intends to replace, the weekly wage is divided and the weekly benefit amount is calculated. For example, an individual who earns

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\$2,600 in the high quarter has an average weekly wage of \$200 a week (\$2,600 divided by 13). If the state replaces ½ of the average weekly earnings, the weekly benefit amount is \$100. To simplify the calculations, states determine the “overall” multiple of the high-quarter wages to determine the weekly benefit amount. In the previous example, it would be 1/26 (1/13 times ½). (Note that this type of formula is used by all states using a multiple of high-quarter wages to establish a benefit year.) 1/26 is the most common multiple used by states.

Since even the quarter of highest earnings may include some unemployment, some states use a fraction generating a higher weekly benefit (e.g., 1/23). Some states use a weighted schedule, which gives a greater proportion of the high-quarter wages to lower-paid individuals than to those earning more. In these states, the maximum fraction varies from 1/11 to 1/26 while the minimum varies from 1/23 to 1/33.

**Multi-Quarter Method**—Under this method, the weekly benefit amount is calculated as a multiple of the total or average quarterly wages paid in more than one quarter. This approach is viewed as being more likely to reflect an individual’s usual full-time employment pattern since it surveys a greater period of time rather than just focusing on the quarter with highest earnings.

**Annual-Wage Method**—Several states compute the weekly benefit as a percentage of annual wages in the base period. This approach reflects the view that annual wages determine the individual’s standard of living. Most states use a weighted schedule, which gives a larger proportion of annual wages to lower-paid individuals to determine their weekly benefit amount.

**Average-Weekly-Wage Formula**—Several states compute the weekly benefit as a percentage of the individual’s average weekly wages in the base period.

The following table provides information on how states calculate weekly benefit amounts, what the minimum and maximum weekly benefit amounts are in each state, and the wages required in order to be eligible for the weekly benefit amounts.

| State | Method of Calculating and Formula   | Rounding to | Weekly Benefit Amount |   | Minimum Wages Required for Maximum WBA                            |  |
|-------|---|-------------|-----------------------|---|---|--|
|       |   |             | Minimum <sup>1</sup>  | Maximum <sup>1</sup>                                  | High quarter  | Base period  |
| AL    | <b>MQ</b><br>1/26 of average wages in 2 high quarters   | Higher \$   | \$45                  | \$265   | N/A   | \$13,730<br>in 2 quarters  |
| AK    | <b>AW</b><br>0.9% - 4.4% BP wages + DA (see table in law)   | Nearest \$  | \$56 - \$128          | \$370 - \$442   | N/A   | \$41,750   |
| AZ    | <b>HQ</b><br>1/25   | Nearest \$  | \$122                 | \$240   | \$5,988   | \$8,981  |
| AR    | <b>HQ</b><br>1/26   | Lower \$    | \$81                  | \$451   | \$11,726  | \$12,177   |
| CA    | <b>HQ</b><br>1/23-1/26 (if HQW < \$1,833, see table in law; otherwise, 1/26 HQW)  | Higher \$   | \$40                  | \$450   | \$11,675  | \$14,594   |
| CO    | <b>HQ/WW</b><br>Higher of:<br>(1) 60% of 1/26 of 2 highest consecutive quarters, capped by 50% of average weekly earnings (low formula); or<br>(2) 50% of 1/52 BP earnings, capped by 55% of average weekly earnings (high formula) | Lower \$    | \$25                  | \$466<br>(low formula)<br><br>\$513<br>(high formula) | \$10,097<br>(low formula)<br><br>Not applicable<br>(high formula) | \$20,194<br>in 2 quarters<br>(low formula)<br><br>\$53,352<br>(high formula) |
| CT    | <b>MQ/HQ</b><br>1/26 wages in 2 HQs + DA; for construction workers, 1/26 of HQW + DA  | Lower \$    | \$15 - \$30           | \$591-666   | \$15,366<br>in 2 quarters   | \$23,640   |
| DE    | <b>MQ</b><br>1/46 of wages earned in highest 2 quarters   | Lower \$    | \$20                  | \$330   | N/A   | \$15,180 in 2<br>quarters  |
| DC    | <b>HQ</b><br>1/26   | Lower \$    | \$50                  | \$359   | \$9,334   | \$14,001   |
| FL    | <b>HQ</b><br>1/26   | Lower \$    | \$32                  | \$275   | \$7,150   | \$10,725   |

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### TABLE 3-5: WEEKLY BENEFIT AMOUNTS

| State | Method of Calculating and Formula   | Rounding to   | Weekly Benefit Amount |  | Minimum Wages Required for Maximum WBA                       |  |
|-------|---|---------------|-----------------------|--|--|--|
|       |   |               | Minimum <sup>1</sup>  | Maximum <sup>1</sup>                             | High quarter   | Base period  |
| GA    | <b>MQ</b><br>1/42 wages in 2 HQs; computed as 1/21 of HQW when alternative qualifying wages are used (Note: If claimant would qualify for \$27-\$44, the claimant's WBA is \$44.) | Lower \$      | \$44                  | \$330  | N/A  | \$13,860 in 2 quarters                                 |
| HI    | <b>HQ</b><br>1/21   | Higher \$     | \$5                   | \$534  | \$11,194   | \$13,884   |
| ID    | <b>HQ</b><br>1/26   | Lower \$      | \$72                  | \$357  | \$9,282  | \$11,603   |
| IL    | <b>MQ</b><br>47% of the claimant's wages in highest 2 quarters divided by 26 + DA   | Higher \$     | \$51 - \$77           | \$413-562  | N/A  | \$22,791 in 2 quarters                                 |
| IN    | <b>WW</b><br>47% of AWW   | Lower \$      | \$37                  | \$390  | N/A  | \$43,149   |
| IA    | <b>HQ</b><br>1/19 (4 or more dependents) - 1/23 (no dependents)   | Lower \$      | \$59-71               | \$396 - \$486                                    | \$9,108  | \$11,385   |
| KS    | <b>HQ</b><br>4.25%  | Lower \$      | \$114                 | \$456  | \$10,730   | \$13,680   |
| KY    | <b>AW</b><br>1.1923% BPW  | Nearest \$    | \$39                  | \$415  | N/A  | \$31,695   |
| LA    | <b>MQ</b><br>1/25 of the average wages in 4 quarters of BP x 1.05 x 1.15  | Lower \$      | \$10                  | \$247  | N/A  | \$24,700   |
| ME    | <b>MQ</b><br>1/22 of the average of the 2 HQs + DA (see table in law)   | Lower \$      | \$65-97               | \$372- \$558                                     | N/A  | \$16,368 in 2 quarters                                 |
| MD    | <b>HQ</b><br>1/24 + DA  | Higher \$     | \$50-90               | \$430 same with or without DA                    | >\$10,296  | \$15,480   |
| MA    | <b>MQ</b><br>50% of 1/26 of total wages in 2 HQs up to 57.5% of state AWW   | Lower \$      | \$33 - \$49           | \$674 - \$1101                                   | N/A  | \$35,048 in 2 high quarters                            |
| MI    | <b>HQ</b><br>4.1% + DA  | Lower \$      | \$117 - \$147         | \$362 same with or without DA                    | \$8,830  | \$13,245   |
| MN    | <b>HQ/WW</b><br>The higher of 50% of 1/52 BPW up to 66% of the state AWW, or 50% of 1/13 HQ up to 43% of the state's AWW  | Lower \$      | \$24                  | \$393 (based on HQW)<br><br>\$610 (based on BPW) | \$10,218 (based on HQW)<br><br>Not applicable (based on BPW) | \$10,218 (based on HQW)<br><br>\$63,440 (based on BPW) |
| MS    | <b>HQ</b><br>1/26   | Lower \$      | \$30                  | \$235  | \$6,110  | \$9,400  |
| MO    | <b>MQ</b><br>4.0% of the average of the 2 HQs   | Lower \$      | \$35                  | \$320  | N/A  | \$16,000 in 2 quarters                                 |
| MT    | <b>AW/MQ</b><br>1.0% of BPW or 1.9% of wages in the 2 HQs   | Lower \$      | \$127                 | \$446  | N/A  | \$23,474 in 2 quarters                                 |
| NE    | <b>WW</b><br>½ of AWW rounded down to nearest even \$1<br>May not exceed ½ of state AWW   | Lower even \$ | \$70                  | \$362  | \$9,412  | \$28,236   |
| NV    | <b>HQ</b><br>1/25   | Lower \$      | \$16                  | \$402  | \$10,050   | \$15,075   |
| NH    | <b>AW</b><br>1.0% - 1.1% of BPW (see table in law)  | Nearest \$    | \$32                  | \$427  | N/A  | \$41,500   |
| NJ    | <b>WW</b><br>60% (base weeks' wages/number of base weeks) + DA  | Lower \$      | \$87 - \$100          | \$624 same with or without DA                    | N/A  | \$20,800 in 20 weeks                                   |

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**TABLE 3-5: WEEKLY BENEFIT AMOUNTS**

| State | Method of Calculating and Formula   | Rounding to | Weekly Benefit Amount |                      | Minimum Wages Required for Maximum WBA |                         |
|-------|---|-------------|-----------------------|----------------------|--|-------------------------|
|       |   |             | Minimum <sup>1</sup>  | Maximum <sup>1</sup> | High quarter                           | Base period             |
| NM    | <b>HQ</b><br>53½% of AWW in HQ + DA; wages in 2 quarters of BP  | Lower \$    | \$76 - \$114          | \$407 - \$457        | \$9,890                                | \$9,891                 |
| NY    | <b>HQ</b><br>1/26; 1/25 if HQW ≤ \$3,575  | Nearest \$  | \$64                  | \$405                | \$10,517                               | \$15,776                |
| NC    | <b>HQ</b><br>1/26   | Lower \$    | \$46                  | \$535                | \$13,910                               | \$13,911                |
| ND    | <b>MQ</b><br>1/65 of (total wages earned in highest 2 quarters and ½ of total wages in third highest quarter) | Lower \$    | \$43                  | \$516                | N/A                                    | \$33,540                |
| OH    | <b>WW</b><br>50% (wages in qualified weeks in BP / number of such weeks) + DA                                 | Lower \$    | \$115                 | \$413-557            | N/A                                    | \$16,520 in 20 weeks    |
| OK    | <b>HQ</b><br>1/23   | Lower \$    | \$16                  | \$386                | \$8,878                                | \$20,100 <sup>2</sup>   |
| OR    | <b>AW</b><br>1.25% BP wages   | Lower \$    | \$122                 | \$524                | N/A                                    | \$41,920                |
| PA    | <b>HQ</b><br>1/23 - 1/25 + DA (see table in law)  | Lower \$    | \$70 - \$78           | \$573 - \$581        | \$14,263                               | \$28,244                |
| PR    | <b>HQ</b><br>1/11 - 1/26  | Lower \$    | \$7                   | \$133                | \$3,458                                | \$5,320                 |
| RI    | <b>HQ</b><br>4.38% + DA <sup>3</sup>  | Lower \$    | \$45 - \$95           | \$566 - \$707        | \$12,923                               | N/A                     |
| SC    | <b>HQ</b><br>1/26   | Lower \$    | \$42                  | \$326                | \$8,476                                | \$12,714                |
| SD    | <b>HQ</b><br>1/26   | Lower \$    | \$28                  | \$333                | \$8,658                                | \$15,318                |
| TN    | <b>MQ</b><br>1/26 of average of 2 HQs (see table in law)  | Lower \$    | \$30 - \$80           | \$275 - \$325        | N/A                                    | >\$14,300 in 2 quarters |
| TX    | <b>HQ</b><br>1/25   | Nearest \$  | \$62                  | \$440                | \$10,988                               | \$16,262                |
| UT    | <b>HQ</b><br>1/26 - \$5   | Lower \$    | \$26                  | \$479                | \$12,584                               | \$18,876                |
| VT    | <b>MQ</b><br>Wages in the 2 highest quarters divided by 45  | Lower \$    | \$69                  | \$425                | N/A                                    | \$19,125 in 2 quarters  |
| VA    | <b>MQ</b><br>1/50 of 2 HQs (see table in law)   | Lower \$    | \$54 <sup>4</sup>     | \$378                | N/A                                    | >\$18,900 in 2 quarters |
| VI    | <b>HQ</b><br>1/26   | Lower \$    | \$33                  | \$491                | \$12,766                               | \$19,149                |
| WA    | <b>MQ</b><br>3.85% of average of 2 HQs  | Lower \$    | \$143                 | \$604                | N/A                                    | \$31,377                |
| WV    | <b>AW</b><br>55% of 1/52 of median wages in individual's wage class- (see table in law)                       | Lower \$    | \$24                  | \$424                | N/A                                    | \$40,150                |
| WI    | <b>HQ</b><br>4.0%   | Lower \$    | \$54                  | \$363                | \$9,075                                | \$12,705                |
| WY    | <b>HQ</b><br>4.0%   | Lower \$    | \$33                  | \$459                | \$11,475                               | \$16,065                |

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**TABLE 3-5: WEEKLY BENEFIT AMOUNTS**

| State  | Method of Calculating and Formula | Rounding to | Weekly Benefit Amount |                      | Minimum Wages Required for Maximum WBA |             |  |
|--|-----------------------------------|-------------|-----------------------|----------------------|--|-------------|--|
|  |                                   |             | Minimum <sup>1</sup>  | Maximum <sup>1</sup> | High quarter                           | Base period |  |
| KEY: HQ = High Quarter Formula    MQ = Multi-Quarter Formula    AW = Annual Wage Formula    WW = Average Weekly Wage Formula<br>DA = Dependent's Allowances  |                                   |             |                       |                      |  |             |  |
| GENERAL NOTE: Since the high quarter and base period wage requirements for the minimum weekly benefit amount are the same as the wage and employment requirements to qualify for benefits, they are not repeated in this table. (See Table 3-3.) Additionally, in states where the benefit entitlement is calculated using multi-quarter, annual wage, or average weekly wage formulas, the high quarter cell is shown as N/A as no specific level of wages is required in the high quarter pursuant to state law. |                                   |             |                       |                      |  |             |  |
| <sup>1</sup> When 2 WBAs are listed, higher figure includes DA. Higher figure for minimum and maximum WBAs includes DA for maximum number of dependents.   |                                   |             |                       |                      |  |             |  |
| <sup>2</sup> The BPW can be comprised of both insured and non-insured wages. To be eligible for the maximum WBA only \$8,878 of the \$20,100 of BPW must be taxable.   |                                   |             |                       |                      |  |             |  |
| <sup>3</sup> Effective July 1, 2013, 4.15 percent in 2 highest quarters, and 3.85 percent effective July 1 2014.   |                                   |             |                       |                      |  |             |  |
| <sup>4</sup> For claims filed on and after July 6, 2014, the minimum WBA will increase to \$60.  |                                   |             |                       |                      |  |             |  |

### AUTOMATIC ADJUSTMENTS TO WEEKLY BENEFIT AMOUNTS

In those states where UI is intended to replace a specific percent of wages up to a fixed percent of the state's average weekly wage, the calculation of benefit entitlement is determined by the state's average weekly wage. Because wages increase, states recalculate the average weekly wage periodically to update the benefits schedule and continue to replace the desired percentage of an individual's lost wages. The maximum weekly benefit amount is usually more than 50 percent of the average weekly wage in covered employment within the state during a recent 1-year period. In most states, the minimum weekly benefit is an amount specified in the law. However, some states' laws link the minimum weekly benefit amount with their average weekly wage as well. The following table includes states with automatic adjustments to benefit amounts.

**TABLE 3-6: STATES WITH AUTOMATIC ADJUSTMENTS TO BENEFIT AMOUNTS**

| State | Method of Computation                          |                           |                          |  |                         | Percentage of State AWW  |                   | Effective Date Of New Amounts     |
|-------|--|---------------------------|--------------------------|--|-------------------------|--|-------------------|-----------------------------------|
|       | Annually as % of AWW in Covered Employment in: |                           |                          | Semiannually as % of AWW in Covered Employment in: |                         |  |                   |                                   |
|       | Preceding CY                                   | 12 Months Ending March 31 | 12 Months Ending June 30 | 12 Months Ending 6 Months Before Effective Date    | All Industries In State | Maximum  | Minimum           |                                   |
| AR    | X  |                           |                          |  |                         | 66 $\frac{2}{3}$ % (high formula)  | 12% (low formula) | July 1                            |
| CO    |  |                           |                          |  | X                       | 55%  |                   | July 1                            |
| CT    |  |                           | X                        |  |                         | 60%; based on AWW of production and related workers (may not be increased by more than \$18 in any year)                               |                   | 1 <sup>st</sup> Sunday in October |
| DC    |  | X                         |                          |  |                         | 66 $\frac{2}{3}$ %   |                   | January 1                         |
| HI    |  |                           | X                        |  |                         | 70%  |                   | January 1                         |
| ID    | X  |                           |                          |  |                         | Percentage varies (52% - 60%) depending upon the base tax rate in a given year   |                   | January 1                         |
| IL    | X  |                           |                          |  |                         | 47%; for claimants with dependents, maximum is limited to 65.2% of state's AWW, which is based on percentage changes from year to year |                   | January 1                         |

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**TABLE 3-6: STATES WITH AUTOMATIC ADJUSTMENTS TO BENEFIT AMOUNTS**

| State | Method of Computation                          |                           |                          |  |                         | Percentage of State AWW  |                | Effective Date Of New Amounts     |
|-------|--|---------------------------|--------------------------|--|-------------------------|--|----------------|-----------------------------------|
|       | Annually as % of AWW in Covered Employment in: |                           |                          | Semiannually as % of AWW in Covered Employment in: |                         | Maximum  | Minimum        |                                   |
|       | Preceding CY                                   | 12 Months Ending March 31 | 12 Months Ending June 30 | 12 Months Ending 6 Months Before Effective Date    | All Industries In State |  |                |                                   |
| IA    | X  |                           |                          |  |                         | 53% for claimants with no dependents; for claimants with dependents, ranges from 55% to 65%  |                | 1 <sup>st</sup> Sunday in July    |
| KS    | X  |                           |                          |  |                         | 60%  | 25% of max WBA | July 1                            |
| KY    | X  |                           |                          |  |                         | 62%; cannot increase in any year when tax schedule increases from previous year (year-to-year increases limited depending on fund balance)   |                | July 1                            |
| LA    |  | X                         |                          |  |                         | 66 $\frac{2}{3}$ %   |                | September 1                       |
| ME    | X  |                           |                          |  |                         | 52%  |                | June 1                            |
| MA    |  | X                         |                          |  |                         | 57 $\frac{1}{2}$ %   |                | 1 <sup>st</sup> Sunday in October |
| MN    | X  |                           |                          |  |                         | Higher of 50% of the individual's AWW in the BP to a maximum of 66 $\frac{2}{3}$ % of the state AWW; or 50% of the individual's AWW during the HQ to a maximum of 43% of the state AWW |                | Last Sunday in October            |
| MT    | X  |                           |                          |  |                         | 67 $\frac{1}{2}$ %   | 20%            | July 1                            |
| NV    | X  |                           |                          |  |                         | 50%  |                | July 1                            |
| NJ    | X  |                           |                          |  |                         | 56 $\frac{2}{3}$ %   |                | January 1                         |
| NM    |  |                           | X                        |  |                         | 53 $\frac{1}{2}$ %   | 10%            | 1 <sup>st</sup> Sunday in January |
| NC    | X  |                           |                          |  |                         | 66 $\frac{2}{3}$ %   |                | August 1                          |
| ND    | X  |                           |                          |  |                         | 62%; 65% of state AWW if trust fund reserves on Oct. 1 are $\geq$ the required amount and the state's average contribution rate is < the nationwide average for the preceding year     |                | 1 <sup>st</sup> Sunday in July    |
| OH    |  |                           | X                        |  |                         | Percentage used is not specified by law  |                | 1 <sup>st</sup> Sunday in January |
| OK    | X  |                           |                          |  |                         | The greater of \$197 or 60%, 57.7%, 55%, 52 $\frac{1}{2}$ % or 50% of state AWW of the second preceding CY, depending on the condition of the fund                                     |                | July 1                            |
| OR    | X  |                           |                          |  |                         | 64%  | 15%            | Week of July 4                    |
| PA    |  |                           | X <sup>1</sup>           |  |                         | 66 $\frac{2}{3}$ %   |                | January 1                         |
| PR    | X  |                           |                          |  |                         | 50%  |                | July 1                            |
| RI    | X  |                           |                          |  |                         | 57.7%  |                | July 1                            |
| SC    | X  |                           |                          |  |                         | 66 $\frac{2}{3}$ %   |                | July 1                            |

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**TABLE 3-6: STATES WITH AUTOMATIC ADJUSTMENTS TO BENEFIT AMOUNTS**

| State | Method of Computation                          |                           |                          |  |                         | Percentage of State AWW                    |                     | Effective Date Of New Amounts  |
|-------|--|---------------------------|--------------------------|--|-------------------------|--|---------------------|--------------------------------|
|       | Annually as % of AWW in Covered Employment in: |                           |                          | Semiannually as % of AWW in Covered Employment in: |                         |  |                     |                                |
|       | Preceding CY                                   | 12 Months Ending March 31 | 12 Months Ending June 30 | 12 Months Ending 6 Months Before Effective Date    | All Industries In State | Maximum                                    | Minimum             |                                |
| SD    | X  |                           |                          |  |                         | 50%  |                     | July 1                         |
| TX    | X  |                           |                          |  |                         | 47.6%                                      | 7.6%                | October 1                      |
| UT    |  |                           | X                        |  |                         | 62½% - \$5                                 |                     | January 1                      |
| VT    | X  |                           |                          |  |                         | Percentage not specified by law            |                     | 1 <sup>st</sup> Sunday in July |
| VI    |  |                           | X                        |  |                         | 50%  |                     | January 1                      |
| WA    | X  |                           |                          |  |                         | 63% <sup>2</sup>                           | 15%                 | 1 <sup>st</sup> Sunday in July |
| WV    | X  |                           |                          |  |                         | 66⅔%                                       |                     | July 1                         |
| WI    |  |                           |                          | X  |                         | 66⅔% of the average wages per average week | 15% of maximum rate | January 1 and July 1           |
| WY    | X  |                           |                          |  |                         | 55%  | 4%                  | 1 <sup>st</sup> Sunday in July |

<sup>1</sup> State AWW computed using 36-month period.  
<sup>2</sup> The maximum WBA is calculated as the greater of \$496 or 63% of the AWW for the preceding calendar year.

## WAITING PERIOD

Individuals who are otherwise eligible for benefits must first serve a waiting period in most states. In most states, the waiting-period requirement for weeks of partial unemployment is the same as for weeks of total unemployment. The waiting period is served in or with respect to a particular benefit year. Special provisions may exist for successive benefit years. (When an individual, after intervening employment, has an additional spell of unemployment that continues beyond the end of the first benefit year, the individual may not have to serve another waiting week if he is monetarily eligible for benefits in the second year.)

**TABLE 3-7: STATE INITIAL WAITING PERIODS**

| State | Duration (in weeks)* | Becomes Compensable After: | May Be Waived Under These Circumstances  |
|-------|----------------------|----------------------------|--|
| AL    | 1                    |                            |  |
| AK    | 1                    |                            |  |
| AZ    | 1                    |                            |  |
| AR    | 1                    |                            |  |
| CA    | 1 <sup>1</sup>       |                            | During a state of war emergency or a state of emergency if compliance with the waiting period requirement would prevent, hinder, or delay the mitigation of the effects of a state of emergency (e.g., natural disaster) |
| CO    | 1 <sup>2</sup>       |                            |  |
| CT    | No waiting period    |                            |  |

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**TABLE 3-7: STATE INITIAL WAITING PERIODS**

| State | Duration<br>(in weeks)* | Becomes Compensable After:  | May Be Waived Under These Circumstances  |
|-------|-------------------------|---|--|
| DE    | No waiting period       |   |  |
| DC    | 1                       |   |  |
| FL    | 1                       |   |  |
| GA    | No waiting period       |   |  |
| HI    | 1                       |   |  |
| ID    | 1                       |   |  |
| IL    | 1                       |   |  |
| IN    | 1 <sup>2</sup>          |   | For individuals who become unemployed due to employer terminating business operations within the state, declaring bankruptcy, or initiating a workforce reduction pursuant to the Federal WARN Act         |
| IA    | No waiting period       |   |  |
| KS    | 1                       |   | For individuals who become unemployed due to employer terminating business operations within the state; the employer declaring bankruptcy or a workforce reduction that is subject to the Federal WARN Act |
| KY    | 1                       | the remaining balance on claim is equal to or less than compensable amount for waiting week |  |
| LA    | 1                       |   |  |
| ME    | 1                       |   |  |
| MD    | No waiting period       |   |  |
| MA    | 1                       |   | No waivers though authority exists and has been used before  |
| MI    | No waiting period       |   |  |
| MN    | 1                       |   | If the individual would have been entitled to DUA but has established benefit account  |
| MS    | 1                       |   | If the President declares a major disaster in accordance with Stafford Act   |
| MO    | 1 <sup>3</sup>          | the remaining balance on claim is equal to or less than compensable amount for waiting week |  |
| MT    | 1                       |   |  |
| NE    | 1                       |   |  |
| NV    | No waiting period       |   |  |
| NH    | 1                       |   |  |
| NJ    | No waiting period       |   |  |
| NM    | 1                       |   | Natural disaster, extended benefit program   |
| NY    | 1                       |   | At the direction of the Governor   |
| NC    | 1                       |   | May be waived for major industrial disasters   |
| ND    | 1                       |   |  |
| OH    | 1                       |   |  |
| OK    | 1                       |   |  |
| OR    | 1                       |   |  |

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**TABLE 3-7: STATE INITIAL WAITING PERIODS**

| State | Duration<br>(in weeks)* | Becomes Compensable After:   | May Be Waived Under These Circumstances   |
|-------|-------------------------|--|---|
| PA    | 1                       |  |   |
| PR    | 1                       |  |   |
| RI    | 1                       |  | For individuals who become unemployed due to a natural disaster or state of emergency   |
| SC    | 1                       |  |   |
| SD    | 1                       |  |   |
| TN    | 1                       | 3 consecutive weeks of compensable unemployment immediately following a waiting period |   |
| TX    | 1 <sup>2</sup>          | Receipt of benefits equaling 3 x WBA   |   |
| UT    | 1                       |  | If Department approval for training is granted for the first eligible week of the claim   |
| VT    | 1 <sup>4</sup>          |  |   |
| VA    | 1                       |  | For an individual whose unemployment was caused by his employer terminating operations, closing its business, or declaring bankruptcy without paying the final wages earned as required by Section 40.1-29 of the Code of Virginia<br><br>Authorized by the Governor under an executive order |
| VI    | 1 <sup>2</sup>          |  |   |
| WA    | 1                       |  |   |
| WV    | 1                       |  |   |
| WI    | 1                       |  |   |
| WY    | No waiting period       |  |   |

\* For total unemployment, partial unemployment or in consecutive benefit years unless otherwise noted.

<sup>1</sup> One week waiting period is deferred if claimant is in continued claim status from a prior year's claim. The one-week waiting period must be served later in the new benefit year if there is an interruption of UI payments for one or more weeks. Also, the 1-week waiting period credit for the new benefit year may be served in the last week of the prior benefit year if the claim was exhausted prior to the last week of that benefit year.

<sup>2</sup> No waiting period required for new/consecutive benefit year.

<sup>3</sup> Claimant ineligible if there is an outstanding penalty assessed on overpayment of benefits.

<sup>4</sup> Waiting week is repealed July 1, 2017 or when the unemployment compensation fund has a positive balance.

## BENEFITS FOR PARTIAL UNEMPLOYMENT

Often, instead of being laid off, individuals may have their hours reduced during an economic downturn. Or, unemployed individuals may find short-term work while looking for a permanent, full-time job. These circumstances characterize partial unemployment. The UI system is set up to permit benefit receipt by these individuals as long as they meet all eligibility requirements. However, the weekly benefit amount payable differs.

A week of total unemployment is commonly defined as a week in which the individual performs no work and with respect to which remuneration is not payable. In Puerto Rico, an individual is deemed totally unemployed if earnings from self-employment are less than 1½ times the weekly benefit amount or if no service is performed for a working period of 32 hours or more in a week. In a few states, an individual is considered totally unemployed in a week even though certain small amounts of wages are earned. In most states, an individual is partially unemployed in a week of less than full-time work and earnings of less than the weekly

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benefit amount. In some states, an individual is partially unemployed in a week of less than full-time work when less than the weekly benefit amount plus an allowance is earned, either from odd-job earnings or from any source as indicated in the following table.

The individual's UI payment will generally equal the difference between the weekly benefit amount and earnings. All states disregard some earnings as an incentive to take part-time or short-term work.

When determining monetary entitlement to benefits, the state usually specifies a maximum dollar amount that can be received—usually equal to a specified number of weeks of benefits for total unemployment multiplied by the weekly benefit amount for total unemployment. Consequently, a partially unemployed individual may draw benefits for a greater number of weeks than a totally unemployed individual.

Most state laws provide that the benefit for a week of partial unemployment will be rounded to the nearest or the lower dollar. For example, in a state with a \$30 earnings disregard and rounding to the nearest dollar, an individual with a \$40 weekly benefit amount and earnings of \$50.95 would receive a partial benefit of \$19.

| <b>TABLE 3-8: PARTIAL UNEMPLOYMENT AND EARNINGS DISREGARDED WHEN DETERMINING WEEKLY BENEFIT</b> |  |   |       |  |  |
|---|--|---|-------|--|--|
| State   | Definition of Partial Unemployment - Week of Less Than Full-Time Work if Earnings are Less Than: | Earnings Disregarded in Computing Weekly Benefit for Partial Unemployment                                     | State | Definition of Partial Unemployment - Week of Less Than Full-Time Work if Earnings are Less Than: | Earnings Disregarded in Computing Weekly Benefit for Partial Unemployment  |
| AL  | WBA  | \$15  | AK    | $1\frac{1}{2} \times \text{WBA} + \$50$  | $\frac{1}{4}$ wages over \$50  |
| AZ  | WBA  | \$30  | AR    | $\text{WBA} + 2/5 \text{ WBA}$   | $2/5 \text{ WBA}$  |
| CA  | WBA  | Greater of \$25 or $\frac{1}{4}$ of wages   | CO    | WBA  | $\frac{1}{4} \text{ WBA}$  |
| CT  | $1\frac{1}{2} + \text{basic WBA}$  | $\frac{1}{2}$ wages; includes holiday pay in the remuneration for determining partial benefits                | DE    | $\text{WBA} + \text{greater of } \$10 \text{ or } \frac{1}{2} \text{ WBA}$                       | Greater of \$10 or $\frac{1}{2} \text{ WBA}$   |
| DC  | $\text{WBA} + \$20$  | $1/5 \text{ wages} + \$20$  | FL    | WBA  | $8 \times \text{Federal hourly minimum wage}$  |
| GA  | WBA  | \$50; excludes payments for jury service  | HI    | WBA  | \$150  |
| ID  | $\text{WBA} + \frac{1}{2} \text{ WBA}$   | $\frac{1}{2} \text{ WBA}$   | IL    | WBA  | $\frac{1}{2} \text{ WBA}$  |
| IN  | WBA  | Greater of \$3 or $1/5 \text{ WBA}$ from other than base period employers; excludes payments for jury service | IA    | $\text{WBA} + \$15$  | $\frac{1}{4} \text{ WBA}$ ; excludes payments for jury service   |
| KS  | WBA  | $\frac{1}{4} \text{ WBA}$   | KY    | $1\frac{1}{4} \times \text{WBA}$   | $1/5 \text{ wages}$  |
| LA  | WBA  | Lesser of $\frac{1}{2} \text{ WBA}$ or \$50   | ME    | $\text{WBA} + \$5$   | \$25; excludes wages received by members of the National Guard and organized labor, including base pay and allowances or any amounts received as a volunteer emergency medical services worker; also excludes earnings received as a result of participating in full-time Trade Act training, up to an amount equal to most recent WBA |

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| TABLE 3-8: PARTIAL UNEMPLOYMENT AND EARNINGS DISREGARDED WHEN DETERMINING WEEKLY BENEFIT |  |  |       |   |   |
|--|--|--|-------|---|---|
| State  | Definition of Partial Unemployment - Week of Less Than Full-Time Work if Earnings are Less Than:   | Earnings Disregarded in Computing Weekly Benefit for Partial Unemployment  | State | Definition of Partial Unemployment - Week of Less Than Full-Time Work if Earnings are Less Than:  | Earnings Disregarded in Computing Weekly Benefit for Partial Unemployment   |
| MD   | Augmented WBA  | \$50   | MA    | WBA   | 1/3 WBA; earnings plus WBA may not equal or exceed the individual's AWW   |
| MI <sup>1</sup>  | 1 3/5 x WBA  | For each \$1 earned, WBA reduced by 40 cents (benefits and earnings cannot exceed 1 3/5 WBA); earnings above 1 3/5 WBA result in dollar-for-dollar reduction in WBA; if the resulting WBA is zero, weeks of benefits payable reduced by 1 week. (Excludes wages for on-call or training services as a volunteer firefighter if wages are < \$10,000) | MN    | WBA   | For each \$1 earned, WBA reduced by 50 cents; no deduction for jury pay and wages earned for services performed in National Guard and military reserve, and as a volunteer firefighter or in ambulance services |
| MS   | WBA  | \$40   | MO    | WBA + \$20 or 1/5 WBA, whichever is greater   | \$20 or 1/5 WBA, whichever is greater; excludes termination pay, severance pay, and wages from service in the organized militia for training or authorized duty from benefit computation                        |
| MT   | 2 x WBA  | 1/2 wages over 1/4 WBA   | NE    | WBA   | 1/4 WBA   |
| NV   | WBA  | 1/4 wages  | NH    | WBA   | 3/10 WBA  |
| NJ   | WBA + greater of \$5 or 1/5 WBA  | Greater of \$5 or 1/5 WBA  | NM    | WBA   | 1/5 WBA; excludes payments for jury service   |
| NY   | Benefits paid at the rate of 1/4 WBA for each effective day within a week beginning on Monday (effective day defined as 4 <sup>th</sup> and each subsequent day of total unemployment in a week in which claimant earns not more than \$300) |  | NC    | Week of less than 3 customary scheduled full-time days  | 1/10 AWW in HQ  |
| ND   | WBA  | 3/5 WBA  | OH    | WBA   | 1/5 WBA   |
| OK   | WBA + \$100  | \$100  | OR    | WBA   | 1/3 WBA; or 10 x state minimum wage (\$8.50 in 2011); excludes wages from service in the organized militia for training or authorized duty from benefit computation   |
| PA   | WBA + 2/5 WBA  | Greater of \$6 or 30% WBA  | PR    | 1 1/2 x WBA; week in which wages or remuneration from self-employment are less than 1 1/2 times claimant's WBA or the claimant performs no service for a working period of 32 hours or more in a week | WBA   |
| RI <sup>2</sup>  | Basic WBA  | 1/5 WBA  | SC    | WBA   | 1/4 WBA   |
| SD   | WBA  | 1/4 wages over \$25  | TN    | WBA   | Greater of \$50 or 1/4 WBA  |
| TX   | WBA + greater of \$5 or 1/4 WBA  | Greater of \$5 or 1/4 WBA  | UT    | WBA   | 3/10 WBA  |

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| TABLE 3-8: PARTIAL UNEMPLOYMENT AND EARNINGS DISREGARDED WHEN DETERMINING WEEKLY BENEFIT |   |   |       |  |  |
|--|---|---|-------|--|--|
| State  | Definition of Partial Unemployment - Week of Less Than Full-Time Work if Earnings are Less Than:        | Earnings Disregarded in Computing Weekly Benefit for Partial Unemployment | State | Definition of Partial Unemployment - Week of Less Than Full-Time Work if Earnings are Less Than:   | Earnings Disregarded in Computing Weekly Benefit for Partial Unemployment  |
| VT   | WBA + \$15 provided the claimant works less than 35 hours (35 hours is considered full-time employment) | Greater of \$40 or 3/10 WBA   | VA    | WBA  | \$50   |
| VI   | $1\frac{1}{2} \times \text{WBA} + \$15$   | $\frac{1}{4}$ wages in excess of \$15                                     | WA    | $1\frac{1}{2} \times \text{WBA} + \$5$ ; weekly hours of work temporarily reduced by employer by no more than 60%  | $\frac{1}{4}$ wages over \$5   |
| WV   | WBA + \$61  | \$60  | WI    | Any week the individual receives any wages under \$500 or performs services less than 32 hours. No individual may be eligible for partial benefits if the benefit payment is < \$5 | \$30 plus 33% of wages in excess of \$30 (excludes wages received as a volunteer firefighter or voluntary medical technician from benefit computation) |
| WY   | WBA   | $\frac{1}{2}$ WBA   |       |  |  |

<sup>1</sup> Effective October 1, 2015, reduction will return to 1.5 X WBA with each \$1 earned resulting in 40 cent reduction in benefits.

<sup>2</sup> Special provision for totally unemployed individuals who have days of employment between the end of the waiting period and the beginning of the first compensable week, and also for those who return to work prior to the end of a compensable week, provided they have been in receipt of benefits for at least 2 successive weeks of total unemployment. For each day of unemployment in such week in which work is ordinarily performed in the individual's occupation, one-fifth of the weekly benefit is paid, up to four-fifths of the weekly rate.

## DEPENDENTS' ALLOWANCES

Although wages earned during the base period is the primary factor in determining the size of the payment a claimant receives each week, some states' laws provide for a dependents' allowance above and beyond the basic benefit amount payable. The definition of dependent, for UI purposes, varies from state to state, as does the allowance granted. In general, a dependent must be wholly or mainly supported by the individual, or living with or receiving regular support from the individual.

**DEFINITION OF DEPENDENT**—All states with dependents' allowances include children under a specified age. The intent is to include all children whom the individual is morally obligated to support. In most of these states, allowances may be paid on behalf of older children who are unable to work because of physical or mental disability. In some states, children are not the only dependents recognized - spouses, parents, or siblings are also included in the definition. The following table outlines, for the states that have dependents' allowances, their definition of a dependent.

| TABLE 3-9: DEFINITION OF DEPENDENT |  |   |                      |        |                   |                                   |                        |
|------------------------------------|--|---|----------------------|--------|-------------------|-----------------------------------|------------------------|
| State                              | Dependent Child  |   | Nonworking Dependent |        |                   | Number of Dependents Fixed for BY | Max. No. of Dependents |
|                                    | Under 18 Unless Otherwise Noted <sup>1</sup>   | Older Child Not Able to Work <sup>1</sup> | Spouse               | Parent | Brother or Sister |                                   |                        |
| AK                                 | Child must be unmarried; must have received more than half the cost of support from claimant or be lawfully in the individual's custody at the time the individual claims the allowance <sup>2</sup> | X <sup>2</sup>                            |                      |        |                   |                                   | 3                      |
| CT                                 | 21 if child is full-time student   | X <sup>3</sup>                            | X                    |        |                   |                                   | 5                      |

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**TABLE 3-9: DEFINITION OF DEPENDENT**

| State           | Dependent Child   |   | Nonworking Dependent   |                |                   | Number of Dependents Fixed for BY | Max. No. of Dependents |
|-----------------|---|---|--|----------------|-------------------|-----------------------------------|------------------------|
|                 | Under 18 Unless Otherwise Noted <sup>1</sup>  | Older Child Not Able to Work <sup>1</sup> | Spouse   | Parent         | Brother or Sister |                                   |                        |
| IL              | X <sup>2</sup>  | X <sup>2</sup>                            | Spouse must be currently ineligible for benefits in the State because of insufficient BPW                                    |                |                   |                                   | 1                      |
| IA              | X <sup>2</sup>  | X <sup>2</sup>                            | No dependency allowance paid for any week in which spouse earns more than \$120 in gross wages                               | X              | X                 | X                                 | 4                      |
| ME              | X <sup>2</sup>  | X <sup>2,3</sup>                          | No dependency allowance paid for any week in which spouse is employed full time and is contributing to support of dependents |                |                   |                                   | X <sup>4</sup>         |
| MD              | X <sup>2</sup>  | X <sup>2</sup>                            |  |                |                   | X                                 | 5                      |
| MA <sup>5</sup> | Child must be unmarried and by interpretation; 24 if child is full-time student <sup>2</sup>  | X <sup>2,3</sup>                          |  |                |                   | X                                 | X <sup>4</sup>         |
| MI              | Must have received more than half the cost of support from claimant for at least 90 consecutive days or for the duration of the parental relationship <sup>2</sup>  | X <sup>2,3</sup>                          | X  | X <sup>6</sup> | X <sup>7</sup>    | X                                 | 5                      |
| NJ              | 19; child must be unmarried; 22 if child is full-time student <sup>2</sup>  | X <sup>2,3</sup>                          | X  |                |                   | X                                 | 2 <sup>4</sup>         |
| NM              | Child must also be unemancipated. Child may be in legal custody of claimant pending adoption. Court requires claimant to contribute to child's support and no one else is receiving benefits for that child |   |  |                |                   |                                   | 4                      |
| OH              | Must have received more than half the cost of support from claimant within 90 days prior to BYB (or duration of parental relationship, if less than 90 days)  | X <sup>2</sup>                            | May not be claimed as dependent if average weekly income is in excess of 25% of the claimant's AWW                           |                |                   | X                                 | 3                      |
| PA              |   | X   | X  |                |                   | X                                 | 2                      |
| RI              | X <sup>2</sup>  | X <sup>2</sup>                            |  |                |                   | X                                 | 5                      |
| TN              | Child must be an unemancipated minor who is wholly or mainly supported by the claimant <sup>2</sup>   |   |  |                |                   |                                   | 4                      |

<sup>1</sup> In all states except MA, includes stepchild by statute.

<sup>2</sup> In AK, IL, IA, ME, MD, MI, NJ, OH, and RI, adopted child is included by statute; in MA, adopted child is included by interpretation; and in MA, legal guardians are included by statute.

<sup>3</sup> Full-time student included in CT, ME, MA, MI, and NJ.

<sup>4</sup> The dependent allowance is capped at 50% of the claimant's WBA.

<sup>5</sup> Only dependents residing within the U.S., and its Territories and possessions.

<sup>6</sup> Parents over 65 or permanently disabled from gainful employment.

<sup>7</sup> Brother or sister under 18, orphaned, or whose living parents are dependents.

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**AMOUNT OF WEEKLY DEPENDENTS' ALLOWANCES**—As with the definition of dependents, there is much variation among states concerning the amount of weekly dependents' allowance payable. However, there are some commonalities. For example, the allowance is ordinarily a fixed sum. In addition, all states have a limit on the total amount of dependents' allowance payable in any week: in terms of dollar amount; number of dependents; or percentage of basic benefits, of high-quarter wages, or of average weekly wage. This limitation results in reductions, for some individuals, in the actual allowance per dependent or the maximum number of dependents on whose behalf allowances may be paid. In almost all states, the number of dependents is fixed for the benefit year when the monetary determination on the claim is made. Likewise, in virtually all states, only one parent may draw allowances if both are receiving benefits simultaneously. Individuals who are eligible for partial benefits may draw dependents' allowances in addition to their basic benefits in most of the states providing for these allowances. They receive the full allowance for a week of partial unemployment. Consequently, the allowance for dependents may be greater than the basic benefit for partial unemployment. Alaska and Connecticut permit dependents' allowances to be adjusted during the benefit year if an individual acquires additional dependents.

**TABLE 3-10: AMOUNT OF WEEKLY DEPENDENTS' ALLOWANCES**

| State | Weekly Allowance per Dependent   | Weekly Dependents' Allowances Capped at:                         | Maximum Dependents' Allowance for Minimum Weekly Benefit | Maximum Dependents' Allowance for Maximum Weekly Benefit |
|-------|--|--|--|--|
| AK    | \$24   | \$72   | \$72   | \$72   |
| CT    | \$15   | Lesser of WBA or \$75  | \$15   | \$75   |
| IL    | \$26 - \$149   | \$26 - \$149   | \$26   | \$149*   |
| IA    | \$2 - \$14   | Schedule \$2 - \$85  | \$12   | \$90   |
| ME    | \$10   | ½ WBA  | \$32   | \$186  |
| MD    | \$8  | \$40   | \$40   | \$0; same maximum WBA with or without dependents         |
| MA    | \$25   | ½ WBA  | \$17   | \$314  |
| MI    | \$6  | \$30   | \$30   | \$0; same maximum WBA with or without dependents         |
| NJ    | 7% of WBA for 1 <sup>st</sup> dependent and 4% for each of the next 2 dependents |  | \$13   | \$0; same maximum WBA with or without dependents         |
| NM    | \$25   | ½ WBA up to \$50   | \$38   | \$50   |
| OH    | \$1 - \$133  | Determined by schedule according to the AWW and dependency class | \$0  | \$144  |
| PA    | \$5; \$3 for one other dependent   | \$8  | \$8  | \$8  |
| RI    | \$15   | Greater of \$50 or 25% of WBA                                    | \$50   | \$141  |
| TN    | \$15   | \$50   | \$50   | \$50   |

GENERAL NOTE: Full dependents' allowance (DA) given for weeks of partial benefits in all states with the following exceptions: MD and PA - Not more than 26 DA payments for dependents may be made in any one BY (individuals are partially unemployed if they earn less than the unadjusted WBA). IL - DA shown is for child; spouse DA is different.

\* Both the WBA and the dependents' allowances are calculated as a percentage of the state's average weekly wage.

## DURATION OF BENEFITS

When states compute an individual's monetary eligibility for benefits, in addition to calculating the weekly benefit amount, they determine the duration of benefits – how long benefits can be collected. The duration is usually measured as a number of weeks of total unemployment. Maximum weeks of benefits vary from 26 to 30 weeks, but are most frequently 26 weeks. A few states' laws establish uniform durations of 26

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weeks for all individuals who meet the qualifying wage requirements, whereas the rest of the states have variable durations. Uniform duration states are not necessarily “more generous” than the other states because many of these states have comparatively high minimum wage thresholds to qualify for all but the lowest benefit levels. Similarly, whether directly or indirectly, all uniform duration states require employment in more than one quarter for all – or most – individuals to qualify for benefits.

In variable duration states, duration is derived. First, the state determines the limit on total benefits receivable in a benefit year (the maximum entitlement). In most of these states, an individual’s benefits are limited to a fraction or percent of base-period wages if it produces an amount less than the specified multiple (usually 26-30) of the individual’s weekly benefit amount. The rest of the variable duration states – states using an average-weekly-wage method – set maximum potential benefits as a fraction of weeks worked during the base period. Once the state calculates the maximum entitlement, it divides that amount by the weekly benefit amount to derive the duration. Some states’ laws specify both the minimum and maximum duration, in weeks, along with the method of calculating benefit entitlement. Since in all of these states the maximum potential benefit may be used for weeks of total or partial unemployment, individuals can collect benefits longer than their stated duration, until they have exhausted their maximum entitlement.

Depending on the distribution of wages in the base period, individuals with the same total base period wages can have different durations and different weekly benefit amounts. For example, individuals whose wages are concentrated largely or wholly in the high quarter will have a higher weekly benefit amount but a shorter duration.

In most states with variable duration, individuals at all benefit levels are subject to the same minimum and maximum weeks of duration.

A few states include a limitation on wage credits in computing duration. For example, in Colorado, only wages up to 26 times the current maximum weekly amount per quarter count. This type of provision tends to reduce weeks of benefits for individuals at the higher benefit levels.

This section deals only with the regular UI program. Extensions are addressed in the following chapter.

The following table describes how each variable duration state calculates benefit entitlement and the duration of benefits (number of benefit weeks) an individual is eligible to receive benefits. Additionally, the minimum and maximum potential benefits, duration, and wage credits required to qualify for the maximum duration of the maximum weekly benefit amount are provided for all states.

| TABLE 3-11: BENEFIT ENTITLEMENT AND DURATION OF BENEFITS |   |   |                            |                                  |                            |                  |
|--|---|---|----------------------------|----------------------------------|----------------------------|------------------|
| State  | Formula for Calculating Benefit Entitlement                     | Minimum Potential Benefits: Amount <sup>1</sup> | Maximum Potential Benefits |                                  |                            | Duration (Weeks) |
|  |   |   | Amounts <sup>2</sup>       | Wage Credits Required            |                            |                  |
|  |   |   |                            | High quarter                     | Base period                |                  |
| AL   | Lesser of 26 x WBA or 1/3 BPW                                   | \$675   | \$6,890                    | N/A                              | \$20,670                   | 15 – 26          |
| AK   | Ratio of annual wages to HQW—from less than 1.50 to 3.5 or more | \$896   | \$9,620 -11,492            | N/A                              | \$41,750                   | 16 – 26          |
| AZ   | Lesser of 26 x WBA or 1/3 BPW                                   | \$1464  | \$6,240                    | \$5,988                          | \$18,720                   | 12 – 26          |
| AR   | Lesser of 25 x WBA or 1/3 BPW                                   | \$729   | \$11,275                   | \$11,726                         | \$33,825                   | 9 – 25           |
| CA   | Lesser of 26 x WBA or 1/2 BPW                                   | \$560   | \$11,700                   | \$11,675                         | \$23,400                   | 14 – 26          |
| CO   | Lesser of 26 x WBA or 1/3 wage credits in BP                    | \$325   | \$12,116<br>(low formula)  | \$10,097<br>(low formula)        | \$36,348<br>(low formula)  | 13 – 26          |
|  |   |   | \$13,338<br>(high formula) | Not applicable<br>(high formula) | \$53,352<br>(high formula) |                  |

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**TABLE 3-11: BENEFIT ENTITLEMENT AND DURATION OF BENEFITS**

| State | Formula for Calculating Benefit Entitlement   | Minimum Potential Benefits: Amount <sup>1</sup> | Maximum Potential Benefits                         |  |  | Duration (Weeks)     |
|-------|---|---|--|--|--|----------------------|
|       |   |   | Amounts <sup>2</sup>                               | Wage Credits Required                                    |  |                      |
|       |   |   |  | High quarter   | Base period  |                      |
| CT    | N/A: Uniform duration state   | \$390   | \$15,366 - \$17,316                                | \$15,366 in 2 quarters                                   | \$23,640   | 26 uniform           |
| DE    | Lesser of 26 x WBA or ½ BPW   | \$480   | \$8,580  | N/A  | \$17,160   | 24 – 26              |
| DC    | Lesser of 26 x WBA or 50% BPW   | \$950   | \$9,334  | \$9,334  | \$18,668   | 19 – 26              |
| FL    | 25% BPW up to \$6325  | \$384   | \$6,325  | \$7,150  | \$25,300   | 12 – 23 <sup>3</sup> |
| GA    | Lesser of 14-20 x WBA or ¼ BPW  | \$616   | \$6,600  | N/A  | \$26,400   | 14-20 <sup>4</sup>   |
| HI    | N/A: Uniform duration state   | \$130   | \$13,884   | \$11,194   | \$13,884   | 26 uniform           |
| ID    | Ratio of BPW to HQW—from 1.25 to 3.5  | \$720   | \$9,282  | \$9,282  | \$32,487   | 10 – 26              |
| IL    | N/A: Uniform duration state (Claimants are eligible for the lesser of 26 weeks of benefits or their total BP wages) | \$1,326   | \$10,738 - \$14,612                                | N/A  | \$22,791 in 2 quarters                             | 26 uniform           |
| IN    | Lesser of 26 x WBA or 28% of BP wage credits  | \$296   | \$10,140   | N/A  | \$43,149   | 8 – 26               |
| IA    | Lesser of 26 x WBA or ½ BPW; If laid off due to employer going out of business, ½ of wages in BP up to 39 weeks     | \$413   | \$10,296 - \$12,636                                | \$9,108  | \$30,888   | 7 – 26               |
| KS    | Lesser of 26 x WBA or ½ BPW   | \$1,140   | \$11,856   | \$10,730   | \$35,568   | 10 – 26              |
| KY    | Lesser of 26 x WBA or ½ BPW   | \$585   | \$10,790   | N/A  | \$32,370   | 15 – 26              |
| LA    | N/A: Uniform duration state   | \$260   | \$6,422  | N/A  | \$23,786   | 26 uniform           |
| ME    | Lesser of 26 x WBA or ½ BPW   | \$1430  | \$9,672 - \$14,508                                 | N/A  | \$29,016   | 22– 26               |
| MD    | N/A: Uniform duration state   | \$1300  | \$11,180 same maximum with or without DA           | \$10,296   | \$15,480   | 26 uniform           |
| MA    | Lesser of 30 x WBA or 36% BPW (Reduced to 26 x WBA all of the local area SMSAs unemployment rate ≤ 5.1%)            | \$330   | \$20,220 - \$33,030                                | N/A  | \$56,167   | 10 – 30              |
| MI    | 43% BPW   | \$1,638   | \$7,240 same with or without DA                    | \$8,830  | \$16,838   | 14 – 20              |
| MN    | Lesser of 26 x WBA or ½ BPW   | \$624   | \$10,218 (based on HQW)<br>\$15,860 (based on BPW) | \$10,218 (based on HQW)<br>Not applicable (based on BPW) | \$30,654 (based on HQW)<br>\$63,440 (based on BPW) | 11 – 26              |
| MS    | Lesser of 26 x WBA or ½ BPW   | \$390   | \$6,110  | \$6,110  | \$18,330   | 13 – 26              |
| MO    | Lesser of 20 x WBA or ½ BPW   | \$280   | \$6,400  | N/A  | \$19,200   | 8 – 20               |
| MT    | Ratio of BPW to HQW—from 1.0 to 3.5 or greater (see schedule in law)  | \$1016  | \$12,488   | N/A  | \$43,100   | 8 – 28 <sup>5</sup>  |
| NE    | Lesser of 26 x WBA or ½ BPW   | \$1320  | \$9,412  | \$9,412  | \$28,236   | 14 – 26              |
| NV    | Lesser of 26 x WBA or ½ BPW   | \$192   | \$10,452   | \$10,050   | \$31,356   | 12 – 26              |
| NH    | N/A: Uniform duration state   | \$832   | \$11,102   | N/A  | \$41,500   | 26 uniform           |
| NJ    | Lesser of 26 x WBA or total number of weeks worked in BP x WBA  | \$1,740   | \$16,224 same with or without DA                   | N/A  | \$27,040   | 1 – 26               |
| NM    | Lesser of 26 x WBA or 60% BPW   | \$1,216   | \$10,582 - \$11,882                                | \$9,890  | \$17,637   | 16- 26               |

## MONETARY ENTITLEMENT

**TABLE 3-11: BENEFIT ENTITLEMENT AND DURATION OF BENEFITS**

| State | Formula for Calculating Benefit Entitlement  | Minimum Potential Benefits: Amount <sup>1</sup> | Maximum Potential Benefits |                       |                       | Duration (Weeks)     |
|-------|--|---|----------------------------|-----------------------|-----------------------|----------------------|
|       |  |   | Amounts <sup>2</sup>       | Wage Credits Required |                       |                      |
|       |  |   |                            | High quarter          | Base period           |                      |
| NY    | N/A: Uniform duration state  | \$1,664   | \$10,530                   | \$10,517              | \$15,776              | 26 uniform           |
| NC    | $(BPW / HQW) \times 8\frac{2}{3}$  | \$598   | \$13,910                   | \$13,910              | \$41,730              | 13 – 26              |
| ND    | Ratio of BPW to HQW—from 1.5 to 3.2  | \$516   | \$13,416                   | N/A                   | 71,552                | 12 – 26              |
| OH    | Lesser of 26 x WBA or 20 x WBA+ WBA for each qualifying week in excess of 20 up to a maximum of 26 weeks.  | \$2,300   | \$10,738 - \$14,482        | N/A                   | \$21,476 in 26 weeks  | 20 – 26              |
| OK    | Lesser of 26 x WBA or a variable percentage of the state's AAW for the 2 <sup>nd</sup> preceding year depending upon the conditional factor in place | \$288   | \$8,000                    | \$8,878               | \$20,100 <sup>6</sup> | 18 – 26              |
| OR    | Lesser of 26 x WBA or $\frac{1}{3}$ BPW  | \$366   | \$13,624                   | N/A                   | \$41,920              | 3 – 26               |
| PA    | An individual with at least 18 credit weeks is eligible for 26 weeks. (A credit week is one in which claimant earned at least \$100.)                | \$1260  | \$14,898 - \$15,106        | \$14,263              | \$28,244              | 18 - 26              |
| PR    | N/A: Uniform duration state  | \$182   | \$3,458                    | \$3,458               | \$5,320               | 26 uniform           |
| RI    | Lesser of 26 x WBA or 33% BPW  | \$675   | \$14,716 - \$18,382        | \$12,923              | \$44,594              | 15 – 26              |
| SC    | Lesser of 26 x WBA or $\frac{1}{3}$ BPW  | \$546   | \$6,520                    | \$8,476               | \$19,560              | 13 – 20              |
| SD    | Lesser of 26 x WBA or $\frac{1}{3}$ BPW  | \$420   | \$8,658                    | \$8,658               | \$25,974              | 15 – 26              |
| TN    | Lesser of 26 x WBA or $\frac{1}{4}$ BPW  | \$390   | \$7,150                    | N/A                   | \$28,600              | 13 – 26              |
| TX    | Lesser of 26 x WBA or 27% BPW  | \$620   | \$11,440                   | \$10,988              | \$42,371              | 10 – 26              |
| UT    | 27% BPW  | \$260   | \$12,454                   | \$12,584              | \$46,126              | 10 – 26              |
| VT    | Lesser of 26 x WBA or 46% BPW  | \$1,449   | \$11,050                   | N/A                   | \$19,125              | 21-26                |
| VA    | 26 x WBA (see table in law)  | \$648   | \$9,828                    | N/A                   | >\$37,800             | 12 – 26              |
| VI    | Lesser of 26 x WBA or $\frac{1}{3}$ BPW  | \$429   | \$12,766                   | \$12,766              | \$38,298              | 13 – 26              |
| WA    | Lesser of 26 x WBA or $\frac{1}{3}$ BPW  | \$143   | \$15,704                   | N/A                   | \$47,112              | 1 – 26               |
| WV    | N/A: Uniform duration state  | \$624   | \$11,024                   | N/A                   | \$40,150              | 26 uniform           |
| WI    | Lesser of 26 x WBA or 40% BPW  | \$756   | \$9,438                    | \$9,075               | \$23,595              | 14 – 26 <sup>7</sup> |
| WY    | Lesser of 26 x WBA or 30% BPW  | \$363   | \$11,934                   | \$11,475              | \$39,780              | 11 – 26              |

## MONETARY ENTITLEMENT

**TABLE 3-11: BENEFIT ENTITLEMENT AND DURATION OF BENEFITS**

| State | Formula for Calculating Benefit Entitlement | Minimum Potential Benefits: Amount <sup>1</sup> | Maximum Potential Benefits |                       | Duration (Weeks) |             |
|-------|---|---|----------------------------|-----------------------|------------------|-------------|
|       |   |   | Amounts <sup>2</sup>       | Wage Credits Required |                  |             |
|       |   |   |                            | High quarter          |                  | Base period |

GENERAL NOTE: Since the high quarter and base period wage requirements for the minimum duration of the minimum weekly benefit amount are the same as the wage and employment requirements to qualify for benefits, they are not repeated in this table. (See Table 3-3.) Some states will extend duration under certain circumstances; see chapter 4 for additional information. Additionally, in states where the benefit entitlement is calculated using multi-quarter, annual wage, or average weekly wage formulas the high quarter cell is shown as N/A as no specific level of wages is required to exist in the high quarter pursuant to state law.

<sup>1</sup> Minimum potential benefit amounts shown in this table are calculated by multiplying the minimum weekly benefit amount by the minimum duration; claimant may qualify for additional benefits based upon minimum monetary eligibility requirements.

<sup>2</sup> When 2 amounts are given, higher amount includes dependents' allowance.

<sup>3</sup> Maximum duration is 12 weeks if unemployment rate is  $\leq$  5 percent; an additional week is added for each .5 percent increment if rate is above 5 percent; 23 week maximum if unemployment rate is  $\geq$  10.5 percent.

<sup>4</sup> Maximum duration is 14 weeks if unemployment rate is 6.5 percent; an additional week is added for each 0.5 percent increment in rate up to a maximum of 20 weeks.

<sup>5</sup> To qualify for 28 weeks, individual's ratio of total base period wages to HQ wages must be at least 3.5.

<sup>6</sup> The BPW can be comprised of both insured and non-insured wages. To be eligible for the maximum WBA, only \$8,878 of the \$20,100 of BPW must be taxable.

<sup>7</sup> With some limited exceptions, individuals with significant ownership interest in family partnerships, LLCs and corporations, and certain members of their families, are limited to 4 weeks of regular UI benefits.

### SEASONAL EMPLOYMENT AND BENEFITS

Special provisions are found in several states' laws restricting the payment of benefits to individuals who earned some or a substantial part of their base-period wages for employers whose operations take place only during certain seasons of the year.

In these provisions, the term seasonal is defined - either in the statute or in the rules or regulations implementing the statute - in terms of:

- the industry, employer, or occupation involved;
- the wages earned during the operating period of the employer or industry; and
- the individual.

In most states, the designation of seasonal industries, occupations, or employers and the beginning and ending dates of their seasons is made in accordance with a formal procedure, following action initiated by the UI agency or upon application by the employers or individuals involving hearings and presentation of supporting data. Arkansas law provides that any employer classified as a seasonal employer may request not to be treated as a seasonal employer.

In other states, a seasonal pursuit, industry, or employer is defined as one in which, because of climatic conditions or the seasonal nature of the employment, it is customary to operate only during a regularly recurring period or periods of less than a specified number of weeks: 16 weeks in Massachusetts; 26 weeks in Colorado; 26 weeks in Indiana; 26 weeks in Maine (except for seasonal lodging facilities, variety stores or trading posts, restaurants, and camps, where a period of less than 26 weeks applies); 26 weeks in Michigan; 26 weeks in Ohio; and 36 weeks in North Carolina.

In general, restrictions on the payment of benefits to individuals employed during the operating periods of these seasonal industries fall into one of two groups.

## MONETARY ENTITLEMENT

1. The most frequent restriction provides that wage credits earned in seasonal employment are available for payment of benefits only for weeks of unemployment in the benefit year that fall within the operating period of the employer or industry where they were earned. Wage credits earned in non-seasonal work or in employment with a seasonal employer outside the operating period are available for payment of benefits at any time in the benefit year. The states with this type of provision are listed in the following table, together with the definitions of “seasonal worker” to whom the restrictions apply.

| TABLE 3-12: SEASONAL WAGE CREDITS AVAILABLE ONLY DURING SEASON |  |    |   |    |  |
|--|--|----|---|----|--|
| AR   | Off-season wages of (a) less than 30 times the weekly benefit amount, if individual's seasonal wages were earned in an industry with an operating period of 2-6 months; or (b) less than 24 times the weekly benefit amount, if seasonal wages were earned in an industry with an operating period of 7-8 months | AZ | For employment in transient lodging only; no benefits based on seasonal wages during the off-season if unemployment is due to substantial slowdown in operations  | CO | Some seasonal wages in operating period of seasonal industry                     |
| IN   | Some seasonal wages in operating period of seasonal employer   | ME | Some seasonal wages in operating period of seasonal employer  | MA | Some seasonal wages in operating period of seasonal industry                     |
| MI   | Wages must be within seasonal period of 26 weeks or less. Designation of employment as seasonal is voluntary   | MS | Off-season wages of (a) less than 30 times the weekly benefit amount, if individual's seasonal wages were earned in a cotton ginning industry or professional baseball with an operating period of 6-26 weeks; or (b) less than 24 times the weekly benefit amount, if seasonal wages were earned in a cotton ginning industry or professional baseball with an operating period of 27-36 weeks | NC | 25% or more of base period wages earned in operating period of seasonal employer |
| OH   | Some seasonal wages earned in operating period of seasonal employer  | PA | Seasonal wages for less than 180 days of work in operating period. Applies only if reasonable assurance of reemployment exists  | SD | Some wages earned in operating period of seasonal employer                       |
| TN   | Wages must be within seasonal period of 36 weeks or less   |    |   |    |  |

2. Other states have established differing seasonal provisions, which are listed in the following table.

| TABLE 3-13: OTHER SEASONAL PROVISIONS |  |
|---------------------------------------|--|
| DE                                    | Individual with 75% or more of base period earnings in seasonal employment – defined as the processing of agricultural or seafood products – will be eligible only if the individual had been employed in the corresponding month of the base period |
| WV                                    | Individual working less than 100 days in seasonal employment is not eligible unless the individual has non-seasonal employment earnings of at least \$100  |
| WI                                    | Individual working less than 90 days for a seasonal employer is not eligible unless the individual is paid wages of \$500 or more by at least one other employer   |

## DEDUCTIONS AND WITHHOLDING FROM BENEFITS

Under Federal law, UI must be paid to an individual as a matter of right and may not be intercepted to satisfy debts or other obligations. However, Federal law provides some exceptions to this requirement and these are discussed in the following text.

**OVERPAYMENTS**—All states reduce UI otherwise payable to recover earlier overpayments of UI. See Chapter 6 for more information on this topic.

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**CHILD SUPPORT**—Federal law requires states to deduct child support obligations from UI only when the obligations are enforced by the state child support agency.

**OVERISSUANCES OF FOOD STAMPS**—If the individual owes an uncollected overissuance of Food Stamps, states may deduct such amount from UI benefits payable. The following table indicates which state laws provide for these deductions. However, not all of these states necessarily make these deductions; it depends on whether the state UI and Food Stamp agencies have entered into agreements.

| TABLE 3-14: STATES WITH AUTHORITY TO DEDUCT FOOD STAMP OVERISSUANCES |   |       |   |       |   |       |   |       |   |       |   |       |   |       |   |
|--|---|-------|---|-------|---|-------|---|-------|---|-------|---|-------|---|-------|---|
| State  |   | State |   | State |   | State |   | State |   | State |   | State |   | State |   |
| AL   | X | AK    |   | AZ    | X | AR    | X | CA    |   | CO    | X | CT    |   | DE    | X |
| DC   |   | FL    |   | GA    | X | HI    | X | ID    |   | IL    | X | IN    |   | IA    | X |
| KS   | X | KY    |   | LA    | X | ME    | X | MD    |   | MA    | X | MI    |   | MN    |   |
| MS   |   | MO    | X | MT    | X | NE    | X | NV    |   | NH    | X | NJ    | X | NM    | X |
| NY   | X | NC    |   | ND    |   | OH    |   | OK    | X | OR    |   | PA    |   | PR    |   |
| RI   |   | SC    |   | SD    | X | TN    | X | TX    | X | UT    | X | VT    | X | VI    | X |
| VA   | X | WA    |   | WV    |   | WI    |   | WY    | X |       |   |       |   |       |   |

**INCOME TAX**—Federal law requires states to offer individuals the opportunity to voluntarily have Federal income tax withheld from UI benefits at the rate of 10 percent. Federal law also permits states to withhold state and local income tax from UI benefits. The following table indicates which states offer individuals the opportunity to have state (and/or local) income taxes withheld.

| TABLE 3-15: WITHHOLDING STATE AND LOCAL INCOME TAX AT CLAIMANT OPTION |                |       |       |       |                |       |       |       |       |       |       |       |                |       |
|---|----------------|-------|-------|-------|----------------|-------|-------|-------|-------|-------|-------|-------|----------------|-------|
| State   | State          | Local | State | State | Local          | State | State | Local | State | State | Local | State | State          | Local |
| AZ  | X              |       | CO    | X     |                | CT    | X     | X     | DE    | X     | X     | DC    | X              | X     |
| GA  | X              |       | HI    | X     | X <sup>1</sup> | ID    | X     |       | IL    | X     |       | IA    | X              |       |
| KS  | X              | X     | KY    | X     |                | ME    | X     | X     | MD    | X     |       | MA    | X              |       |
| MI  | X <sup>2</sup> |       | MN    | X     |                | MS    | X     | X     | NE    | X     |       | NH    | X              | X     |
| NM  | X              | X     | NY    | X     | X              | NC    | X     |       | ND    | X     |       | OK    | X <sup>2</sup> |       |
| OR  | X              |       | RI    | X     |                | SC    | X     |       | TN    | X     |       | UT    | X              |       |
| VT  | X <sup>2</sup> |       | WV    | X     |                | WI    | X     |       |       |       |       |       |                |       |

GENERAL NOTE: AK, FL, NV, NH, SD, TX, TN, WA, and WY have no state income tax.

<sup>1</sup> Local income taxes deducted and withheld from the individual's UI for other states and localities.

<sup>2</sup> If Federal taxes are elected to be withheld from UI benefits, then state taxes will be withheld as well.

**HEALTHCARE COVERAGE**—Illinois and Oklahoma law authorize the deduction of health insurance premiums from the UI weekly benefit amount if the individual so elects, provided that the state has an approved health care plan for unemployed individuals. However, neither state has implemented this authority. Massachusetts has a health insurance program for unemployed individuals; however, it is unrelated to the UI program.