

Amendments to State Unemployment Insurance Laws

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

REPORT ON STATE LEGISLATION

REPORT NO. 2
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Amendments to State Unemployment Insurance Laws

ARKANSAS	H2027 (Act 1477)	ENACTED and EFFECTIVE April 11, 2001
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Administration

Provides that requests for wage and unemployment compensation information by officers or employees of the United States Department of Housing and Urban Development and representatives of a public housing agency must be processed within three business days.

ARKANSAS	SB 254	ENACTED and EFFECTIVE March 13, 2001
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Benefits

Provides that work offered to an individual by a base-period or last employer at earnings equal to or greater than the individual earned from the base-period or last employer is deemed suitable work, unless certain factors are applicable (such as failure to meet prevailing conditions, risk to health, safety, morals, etc.) and it would be contrary to good conscience to deem such work suitable.

ARKANSAS	S438 (Act 1528)	ENACTED and EFFECTIVE April 12, 2001
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Financing

Permits an employer doing business out-of-State to elect a 2.9 percent new employer rate or an in-State experience rate based on its experience in the other State(s), provided the employer:

- has at least three years of experience in the other State(s);
- provides an authenticated account history from the other State(s) ; and
- conducts business in Arkansas of the same nature as in the other State(s), as defined by the North American Industry Classification System.

ARKANSAS S822 ENACTED April 6, 2001
(Act 1367) EFFECTIVE upon enactment or as otherwise indicated

Administration

Reinstates provision allowing disclosure of wage and UC information to the Department of Housing and Urban Development (HUD) and to representatives of public housing agencies concerning applicants for or participants in housing assistance programs administered by HUD.

Amends law to allow disclosure of employee UC information to the State of Arkansas Disability Determination for Social Security Administration and, pursuant to a subpoena, the Arkansas Insurance Department Workers= Compensation Fraud Investigation Unit.

Beginning July 1, 2001, provides that applications for review and redeterminations must be made the first time charges appear on an employer=s account; subsequent charges for the same claimant in the same benefit year may not be challenged.

Benefits

Clarifies that a Aseasonal industry@ means an industry in which, among other things, it is customary to lay off forty percent or more of the average monthly number of workers for at least four consecutive months during a regularly recurring period of each year.

Provides that vacation payments received due to a permanent separation from employment shall not be disqualifying nor deductible from UC.

Changes the application period of a disqualification for willful false statement from two to five years.

Amends provisions relating to overpayments to:

beginning, July 1, 2001, provide that overpayments can be collected only by deduction from future benefits after ten years;
impose interest on overpayments due to fraud; and
beginning, July 1, 2001, assess a ten percent penalty on fraud overpayments not repaid within one year.

COLORADO H1251 ENACTED March 28, 2001
(CH 28) EFFECTIVE January 1, 2002

Administration

Changes references in provision concerning assignment of tax rates for new employers in the construction industry to reflect shift from Standard Industrial Classification codes to the North American Industry Classification System codes.

INDIANA H1025 ENACTED April 18, 2001
EFFECTIVE Upon enactment

Administration Provides that the commissioner of workforce development may adjust the employer's estimated contribution rate, after the period for the employer to provide

a timely payroll report, if the employer or other interested party:

shows reasonable cause for failure to file the payroll report on time, and submits accurate and reliable payroll reports.

MARYLAND H1205 ENACTED March 15, 2001
EFFECTIVE October 1, 2001

Coverage

Provides that a municipal police officer appointed by the Carroll County sheriff as a special deputy sheriff for the county shall remain an employee of the municipal corporation for unemployment insurance purposes.

MISSISSIPPI HB 699 ENACTED March 13, 2001
(CH 32) EFFECTIVE July 1, 2001

Financing

Specifies that employer contributions are due and payable on a calendar quarterly basis, at the end of the month succeeding each quarter.

MONTANA SB 428 ENACTED April 21, 2001
EFFECTIVE July 1, 2001

Benefits

Raises the maximum weekly benefit amount from 60 percent to 63 percent of the State average weekly wage for claims filed on or after July 1, 2001.

NORTH DAKOTA HB 1087 ENACTED and EFFECTIVE
March 13, 2001

Administration

For purposes of determining new employer rates, changes employer industrial classification codes from the two-digit major group in the standard industrial classification (SIC) system to the three-digit major group code in the North American industrial classification (NAIC) system. Employers who are liable for coverage before August 1, 2002, however, remain under the SIC unless they are classified (according to the SIC) within the construction industry.

Financing

Eliminates the requirement for a hearing when a predecessor files a timely written protest of a transfer of experience and provides that no such transfer will occur if the predecessor files a timely written protest.

Prohibits an employing unit=s experience record from being transferred in an amount that results in the successor and predecessor portions totaling more than one hundred

percent of the predecessor=s history.

NORTH DAKOTA HB 1251 ENACTED and EFFECTIVE
April 13, 2001

Coverage

Provides that a manager of a limited liability company is included within the definition of Aemployee@ only if the company is treated as a corporation for purposes of Federal income taxation.

Provides that service performed by an owner of a general partnership, limited partnership, limited liability partnership, limited liability limited partnership, or a limited liability company, is included within the definition of Aemployment@ only if the organization is treated as a corporation for purposes of Federal income taxation.

NORTH DAKOTA HB 1319 ENACTED and EFFECTIVE
April 18, 2001

Coverage

Provides that the optional exclusion from "employment" for managers with one-fourth or greater ownership interest in a limited liability company does not apply to limited liability companies wholly owned by or operating as an Indian tribe, state or local government, or nonprofit organization for whom services performed are required by Federal law to be covered by the State's UC law.

NORTH DAKOTA S2017 ENACTED April 27, 2001
(CH 52) EFFECTIVE Retroactive to January 1, 2000

Financing

Eliminates the provision prohibiting a negative employer, who was a negative employer the previous year, from making excess contributions to the States unemployment fund to become a positive employer.

UTAH HB 52 ENACTED and EFFECTIVE
March 15, 2001

Administration

Directs the Division of Workforce Information and Payment Services to prescribe rules providing standards for determining which contribution reports must be filed on magnetic media or in other machine-readable form. Provides that the rules may not require any employer to file contribution reports on magnetic media unless the employer is required to file wage data on at least 250 employees during any calendar year. Requires the division, in developing the rules, to take into account the ability of the employer to comply at reasonable cost. Permits the division to require employers to post a bond for failure to comply with the rules.

Amends law concerning access to records to allow disclosure of personally-identifiable information about an individual to:

an employee of the Department of Workforce Services (Department) administering programs other than the UI program, a government employee or workers= compensation insurer to the extent the information will aid in the detection or avoidance of duplicate, inconsistent, or fraudulent claims against a workers= compensation program or the recovery of overpayments of workers= compensation funds, an employee or contractor of the department or an educational institution or other governmental entity engaged in workforce investment and development activities pursuant to the Workforce Investment Act of 1998 for the purpose of coordinating services with the Department, evaluating the effectiveness of those activities, and measuring performance, the public for any purpose following a written waiver by all interested parties of their rights to nondisclosure, and an individual whose wage data has been submitted to the Department by an employer, so long as no information other than the individual=s wage data and the identity of the party who submitted the information is provided to the individual

Virginia HB 2691 ENACTED AND EFFECTIVE
March 14, 2001

Administration

Clarifies that a fee may not be deducted from UC that is subject to child support withholding. (Resolves a pending issue.)

WASHINGTON SB 5316 ENACTED April 19, 2001
(CH99) EFFECTIVE Weeks beginning after March 31, 2001

Benefits

Clarifies that for individuals who serve in a principal administrative, research, or instructional capacity in a community or technical college, but are between terms, "reasonable assurance" of continued employment does not exist when an offer is conditioned upon enrollment, funding, or program changes.

Provides additional guidance for determining when "reasonable assurance" exists.

Specifies that individuals with tenure or tenure track status are considered to have reasonable assurance of continued employment.

WASHINGTON SB 5317 ENACTED and EFFECTIVE
(CH 100) April 19, 2001

Benefits

Clarifies that benefits based on any and all service in an instructional, research, or

principal administrative capacity for any and all educational institutions shall not be paid to an individual for any week of unemployment which commences during the period between two successive academic years or terms if the individual has reasonable assurance of continued employment.