

Changes appeal rights for a party filing an administrative appeal to the Board of Review to reflect that the party no longer has the right to an appeal because the decision was not unanimous.

Modifies the provisions concerning decisions of the board of review and judicial review by:

Increasing from 20 to 30 calendar days from the date a decision is mailed to the party's last known address, the number of days a party has to request a judicial review of the decision of the board of review.

Specifying that, if mailed, a petition for review will be considered filed as of the date of the postmark on the envelope.

Coverage

Modifies the definition of "employment" to exclude service performed by a person committed to a penal institution.

Financing

Provides that the director may issue a redetermination, concerning transfer of experience when a business is purchased, within 1 year of the original determination if, through his or her own investigation, he or she finds the original determination to be in error.

Prohibits employee leasing companies from moving the wages of a client from one leasing company account to another leasing company account with a lower rate.

Increases from 30 to 60 days the period for which a bank or savings and loan institution must withhold payment of any deposit subject to a lien by the Employment Security Department.

Nonmonetary Eligibility

Provides that a person will be deemed unemployed with respect to any week if, in addition to performing no services and having no wages for that week (or, for less than full-time work, having wages less than 140 percent of the weekly benefit amount), he or she is not on leave approved by an employer under the Family and Medical Leave Act, as in effect January 1, 2003.

Provides that no individual shall be disqualified from receiving unemployment benefits for voluntarily leaving work, if he or she left his or her last work because he or she voluntarily participated in a permanent reduction in the employer's work force after the employer announced a pending reduction in its work force, and asked for volunteers.

Indicates that such actions initiated by the employer shall be considered layoffs regardless of any incentives offered by the employer to induce its employees to volunteer and that any incentives received must be reported as receipt of other remuneration.

Amends the provision concerning disqualification for unemployment benefits for receipt of other remunerations, to provide that an individual receiving sick pay, if otherwise

eligible, will be paid an amount equal to the weekly benefit amount less that part of the sick pay, if any, payable with respect to a week that is in excess of 40 percent of his or her weekly benefit amount, rounded to the nearest lower full dollar amount. Provides, however that, any sick pay received due to a permanent separation from employment will not be disqualifying nor deductible. The employer must promptly report the week or weeks involved in the sick pay period as well as the corresponding amount of sick pay with respect to the week or weeks.

Overpayments

Increases the disqualification penalty for false statement or misrepresentation from 13 weeks to a disqualification from the date of filing the claim until the claimant has 10 weeks of employment in each of which he or she has earned wages equal to at least his or her weekly benefit amount.

ARKANSAS SB 217 ENACTED and EFFECTIVE March 13, 2003
(Act 353)

Financing

Increases the taxable wage base from \$9,000 to \$9,500 for the calendar year beginning after December 31, 2002.

Increases the taxable wage base from \$9,500 to \$10,000 for any calendar year beginning after December 31, 2003.

Monetary Entitlement

Provides that the maximum weekly benefit amount is \$345 for benefit years beginning July 1, 2003, through June 30, 2005.

COLORADO SB 207 ENACTED and EFFECTIVE March 10, 2003
(CH 508)

Financing

Appropriates from the March 13, 2002 Reed Act distribution:

\$789,828 for unemployment insurance program administration,
\$5,634,514 for employment and training program administration, and
\$7,000,000 for the administration of public employment offices.

KANSAS HB 2353 ENACTED and Effective April 14, 2003
(CH 75)

Nonmonetary Eligibility

Provides that an individual may not be disqualified from receiving unemployment benefits on the basis that he or she left work voluntarily without good cause if the

individual left work due to circumstances resulting from domestic violence, including:

- A reasonable fear of future domestic violence at or en route to or from the individual's place of employment ; or
- A need to relocate to another geographic area in order to avoid future domestic violence; or
- A need to address the physical, psychological and legal impacts of domestic violence; or
- A need to leave employment as a condition of receiving services or shelter from an agency which provides support services or shelter to victims of domestic violence; or
- A reasonable belief that termination of employment is necessary to avoid other situations which may cause domestic violence and to provide for the future safety of the individual or the individual's family.

Specifies that an individual may prove the existence of domestic violence by providing one of the following:

- A restraining order or other documentation of equitable relief by a court of competent jurisdiction; or
- A police record documenting the abuse; or
- Documentation that the abuser has been convicted of one or more of the offenses enumerated in articles 34 and 35 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, where the victim was a family or household member; or
- Medical documentation of the abuse; or
- A statement provided by a counselor, social worker, health care provider, clergy, shelter worker, legal advocate, domestic violence or sexual assault advocate or other professional who has assisted the individual in dealing with the effects of abuse on the individual or the individual's family; or
- A sworn statement from the individual attesting to the abuse.

Requires nondisclosure by the department of human resources of evidence of domestic violence experience by an individual, including the individual's statement and corroborating evidence, unless consent for disclosure is given by the individual.

MARYLAND

SB 765
(CH 269)

ENACTED May 13, 2003
EFFECTIVE June 1, 2003

Administration

Establishes an Unemployment Insurance Funding Task Force to study taxation and charging for purposes of funding the Unemployment Insurance Trust Fund.

Requires the Task Force to report its findings and recommendations to the General Assembly on or before December 1, 2003.

MISSOURI

SB 194

ENACTED and EFFECTIVE May 8, 2003

Coverage

Amends the definition of "employer" and "employment" to include service performed for an Indian tribe, resulting in unemployment insurance coverage of such service.

Allows an Indian tribe to either pay contributions or to elect to make reimbursements.

Provides that the Indian tribe and all its tribal units shall be jointly and severally liable for any and all contributions, payments in lieu of contributions, interest, penalties, and surcharges owed.

Requires an Indian tribe that elects to make reimbursements to file a surety bond.

Under certain conditions, terminates the reimbursement election and coverage when a tribe fails to make the required payments or to maintain the required surety bond.

MONTANA HB 117 ENACTED and EFFECTIVE March 24, 2003
 (CH 95)

Financing

Provides that the department may make changes to an employer's classification and rate of contribution upon an oral request for redetermination by the employer if the department finds that the department has made an error.

MONTANA HB 312 ENACTED and EFFECTIVE April 1, 2003
 (CH 197)

Coverage

Excludes from the definition of "employment" service performed by an individual as an official, including a timer, referee, umpire, or judge, at an amateur athletic event.

This provision does not apply to state or local governmental entities, Indian tribes or tribal units, or nonprofit organizations under section 501(c) (3) of the Internal Revenue Code unless the service is excluded from employment for purposes of FUTA.

MONTANA SB 180 ENACTED AND EFFECTIVE April 14, 2003
 (CH 520)

Nonmonetary Eligibility

Makes permanent the provision that allows an individual who leaves work or is discharged because of circumstances resulting from domestic violence to receive unemployment benefits by repealing the July 1, 2003 termination date for that provision.

NEBRASKA LB 197 ENACTED and EFFECTIVE April 30, 2003

Financing

Appropriates \$6,800,484 from funds made available to the state in federal fiscal year 2002 under section 903(d) of the federal Social Security Act for administration of the Employment Security Law and public employment offices.

NEBRASKA LB 199 ENACTED and EFFECTIVE March 20, 2003

Coverage

Specifies that the commissioner must immediately notify the U.S. Internal Revenue Service and the U.S. Department of Labor if an Indian tribe fails to make required payments, including assessments of interest and penalty, within 90 days after a final notice of delinquency.

Amends the definition of "employment" to exclude service performed in the employ of the state of Nebraska or any of its political subdivisions or instrumentalities if such service is performed by an individual in the exercise of his or her duties as an election official or election worker if the amount of remuneration received by the individual during the calendar year for services as an election official or election worker is less than \$1,000.

Amends the definition of "employment" to exclude service performed at a penal or custodial institution by a person committed to a penal or custodial institution.

NORTH DAKOTA HB 1017 ENACTED and EFFECTIVE May 2, 2003

Administration

Provides for the legislative council to consider studying the impact of pending federal legislation that would significantly change the respective federal-state responsibilities and funding for workforce development, workforce training, public labor exchange, and unemployment insurance programs.

NORTH DAKOTA HB 1097 ENACTED and EFFECTIVE March 12, 2003

Financing

Changes the assignment of unemployment insurance tax rates for employers who fail to file required reports or filed insufficient reports as follows. Requires assigning the:

- Negative employer minimum rate to--
 - experience-rated positive employers
 - new positive nonconstruction employers
- Negative employer maximum rate to--
 - experience-rated negative employers
 - new positive construction employers
 - new negative employers

Financing

Extends the maximum permissible probationary period, for which an employer may be noncharged for benefits paid to a former employee who was discharged for unsatisfactory performance during the probationary period, from 45 to 90 days.

Eliminates provision for noncharging of benefits for an employee or former employee who establishes a claim for unemployment benefits using an alternative base period. (Resolves pending conformity issue.)

Adds provision for noncharging of benefits paid to an employee or former employee who leaves employment as part of a plan to escape domestic violence or abuse.

Appropriates \$6,219,485 out of the Reed Act distribution made available to the state on March 13, 2002, for administration of the Employment Service, One-Stop Career Center expenses attributable to the Employment Service and Unemployment Insurance Program, and the Unemployment Insurance Program. Provides that these funds must be expended between July 1, 2003 and June 30, 2004.

Nonmonetary Eligibility

Adds separating from employment as part of a plan to escape domestic violence or abuse to the list of circumstances constituting good cause for voluntarily leaving work.

Provides that when an employer hires a worker for a limited duration of time specified by the employer, the worker is considered to have been laid off due to lack of work at the end of the time period set by the employer, provided that the separation was due only to completion of work or the expiration of the time period.

Provides that when an employer hires a worker for a limited period of time specified by the worker, the worker is considered to have voluntarily quit work at the end of the time period set by the worker, provided that the separation was due only to the expiration of the time period.

OREGON SB 2 ENACTED and EFFECTIVE April 1, 2003
(CH 34)

Extensions and Special Programs

Extends state-financed emergency unemployment benefits for up to 13 weeks, for the period from April 6 to December 27, 2003.

Allows the Director of the Employment Department to stop payments of emergency benefits when total payments would exceed \$29 million.

Provides that employers' accounts will not be charged (and that reimbursing entities need not reimburse the state unemployment fund) for benefits paid under this extension.

SOUTH DAKOTA HB 1159 ENACTED and EFFECTIVE March 4, 2003

Nonmonetary Eligibility

Provides that good cause for voluntarily leaving employment includes leaving to protect oneself from domestic abuse only if the employee:

Reports the abusive situation to law enforcement within 48 hours of any occurrence and cooperates fully in any subsequent investigation and criminal charge. Requires the law enforcement agency to complete and return to the department upon request, a certification form indicating whether the employee has complied with the requirements.

Has left the abusive situation and remains separate from the situation; and
Made reasonable efforts to preserve the employment before quitting.

Provides that any person found to have good cause for leaving employment due to domestic abuse, and who returns to the abusive situation, is ineligible for benefits.

TEXAS HB 1819 ENACTED and EFFECTIVE May 15, 2003

Financing

Provides that an employer's account may not be charged for benefits paid to an employee whose separation was based on a disaster resulting in a disaster declaration by the governor.

UTAH HB 19 ENACTED and EFFECTIVE March 19, 2003
(CH 220)

Extensions and Special Programs

Establishes a temporary additional unemployment compensation benefits program for individuals who have exhausted their regular benefits, effective until July 1, 2004. Specifies that the eligibility provisions and department rules which apply to claims for, or payments of, regular benefits apply to claims for, and payments of, additional unemployment compensation benefits.

Provides that an individual is eligible to receive additional benefits if the individual:

Has received or exhausted all of the regular benefits that were available to the individual;

Has insufficient wages to establish a new benefit year or has sufficient wages but does not meet the subsequent qualifying provisions;

Has no right to unemployment benefits or allowances under the Railroad Unemployment Insurance Act, and has not received, and is not seeking, unemployment benefits under the unemployment compensation law of any other state, Washington, D.C., the Virgin Islands, Puerto Rico, or Canada. If the individual is seeking those benefits and the appropriate agency finally determines that the individual is not entitled to benefits under that law, the individual may be eligible for additional benefits;

Filed an initial claim for regular benefits on or after March 15, 2001; and

" Files an initial application for additional benefits on or after June 1, 2003, and

on or before December 27, 2003, and has an effective date no later than December 21, 2003.

Provides that for additional benefits the first payable week is the week beginning June 1, 2003 and the last payable week is the week beginning January 25, 2004.

Provides that the weekly additional benefit amount is the same as the weekly regular benefit amount payable.

Provides that the total additional benefit amount payable is 5 times the individual's weekly regular benefit amount.

Requires that an individual exhaust entitlement to benefits in the following order:

- a. Regular benefits;
- b. Temporary Extended Unemployment Compensation, if available;
- c. Extended benefits;
- d. Additional benefits; and
- e. Trade Readjustment Allowances (TRA).

Provides that TRA and additional benefits cannot be paid for the same week.

Provides for noncharging a contributing base employer's account with any portion of additional benefits paid to an individual.

Specifies that reimbursable and federal employers and branches of the military are not liable to pay for additional benefits.

Repeals the additional unemployment compensation benefits program July 1, 2004.

UTAH HB 174 ENACTED and EFFECTIVE March 15, 2003
 (CH 135)

Overpayments

Moves provisions relating to penalties for unemployment insurance fraud to the Utah Criminal Code.

UTAH HJR 20 ENACTED March 5, 2003

Administration

Provides for an interim legislative committee to study and make recommendations regarding:

- The unemployment tax on self-employed individuals,
- Options to provide limited health insurance benefits for the unemployed for up to 6 months,
- Whether to provide health insurance coverage, without cost, to the unemployed, and

Issues related to unemployment insurance coverage.

UTAH SB 15 ENACTED and EFFECTIVE March 15, 2003
(CH 17)

Appeals

Removes the limitation that the chair of the Workforce Appeals Board be a part-time employee compensated for no more than 40 hours of work in a 2-week period.

Coverage

Modifies the definition of "employer" to mean an individual or employing unit which employs one or more individuals for some portion of a day during a calendar year rather than an employing unit that pays \$140 in a calendar quarter and that is subject to FUTA.

UTAH SB 155 ENACTED and EFFECTIVE March 21, 2003
(CH 260)

Coverage

Requires registration, rather than licensing, of professional employer organizations (PEOs). Establishes registration requirements.

Provides that the PEO is responsible for the payment of UI contributions, penalties, and interest on wages paid to employees covered under a professional employer agreement.

Requires professional employer agreements to specify that the PEO has responsibility to withhold, collect, report, and remit payroll-related and unemployment taxes for employees covered by the professional employer agreement.

Requires the PEO to report and pay all required contributions to the unemployment compensation fund using its state employer account number and the contribution rate of the PEO.

Requires that, at least quarterly, a PEO have an independent certified public accountant review the PEO's records and prepare a statement indicating whether all federal, state, and local withholding taxes, unemployment taxes, FICA taxes, workers' compensation premiums, and employee benefit plan premiums have been paid.

Provides that on the termination of a contract between a PEO and a client or the failure by a PEO to submit reports or make tax payments as required, the client will be treated as a new employer without a previous experience record unless that client is otherwise eligible for an experience rating.

Includes as unlawful conduct the diversion of funds paid by a client to the professional employer organization, designated as payment for payroll or any related payroll taxes

or employee benefits or insurance, to any other purpose or use other than designated, except in cases where a client has defaulted on the professional employer agreement or otherwise failed to pay the PEO.

VIRGINIA	HB 1431	ENACTED March 24, 2003
	(CH 555)	EFFECTIVE July 1, 2003
	SB 1014	ENACTED March 18, 2003
	(CH 534)	EFFECTIVE July 1, 2003

Nonmonetary Entitlement

Reduces the amount deducted from the weekly benefit amount payable to an individual due to receipt of social security or railroad retirement benefits from 100 percent to 50 percent of such benefits attributable to such week.

VIRGINIA	HB 1929	ENACTED March 23, 2003
	(CH 926)	EFFECTIVE AS INDICATED

Monetary Entitlement

Decreases the minimum weekly benefit amount from \$69 to \$59 and the maximum weekly benefit amount from \$368 to \$318 beginning January 5, 2003, for claims effective on or after January 5, 2003, but before July 6, 2003.

Decreases the minimum weekly benefit amount from \$59 to \$50 and the maximum weekly benefit amount from \$318 to \$316 beginning July 6, 2003, for claims effective on or after July 6, 2003, but before July 4, 2004.

Retains the \$50 minimum weekly benefit amount and increases the maximum weekly benefit amount from \$316 to \$326 beginning July 4, 2004 for claims effective on or after July 4, 2004.

VIRGINIA	HB 2484	ENACTED and EFFECTIVE March 18, 2003
	(CH 609)	

Coverage

Excludes from the term "employment" service performed by a licensed clinical social worker, licensed psychologist, licensed professional counselor or licensed psychiatrist, if such individual:

- Operates under a contract specifying that the individual is free from control or direction over the performance of such services;
- Is licensed in the Commonwealth to perform independent clinical services;
- Is compensated solely by way of fees charged for services rendered by such individual; and
- Has a valid business license issued by the locality in which such individual performs such services.

VIRGINIA HB 2722 ENACTED and EFFECTIVE March 19, 2003
 (CH 721)

Administration

Modifies the records and reports provisions to permit the Commission to furnish information to the Commonwealth's designated agent for the purpose of collecting fines, penalties, and costs owed to the Commonwealth or its political subdivisions.

VIRGINIA SB 889 ENACTED and EFFECTIVE May 1, 2003
 (CH 1038)

Administration

Creates a legislative commission tasked with annually reporting on Virginia's unemployment compensation system. The commission is set to expire on July 1, 2006.

VIRGINIA SB 1039 ENACTED and EFFECTIVE March 16, 2003
 (CH 382)

Financing

Changes the due date for the Commission to provide covered employers with a statement of the benefit charges and taxes for the preceding fiscal year (formerly calendar year) from July 1 to December 31.

VIRGINIA SB 1040 ENACTED AND EFFECTIVE March 16, 2003
 (CH 383)

Monetary Entitlement

Establishes an alternative base period as the 4 most recent completed calendar quarters immediately preceding the first day of the claimant's benefit year for claimants earning insufficient wages in the regular base period to be eligible for benefits.

WYOMING HB 65 ENACTED March 4, 2003
 (CH 123) EFFECTIVE January 1, 2004 except as indicated

Financing

Reduces the threshold for computing the positive fund balance adjustment factor from 4 percent to 3 ½ percent of total payrolls. (Effective July 1, 2003.)

Provides that the computed positive adjustment factor remains effective until the fund balance equals 3 ½ percent (formerly 4 percent) or more of total payrolls. (Effective July 1, 2003.)

Eliminates the special reserve contribution rate and its deposit in the clearing account.

Changes the base rate reduction from 20 percent to 14 percent reflecting the elimination of the special reserve contribution rate.

Reduces from 80 percent to 60 percent the adjustment factor for noncharged and ineffectively charged benefits that must be allocated to the unemployment compensation fund, and increases from 20 percent to 40 percent that portion of this adjustment factor that must be allocated to the employment support fund.

Reduces from 5 percent to 4 percent the percentage of total payrolls used to determine whether the negative fund balance adjustment factor is applicable.

Reduces from 5 percent to 4 percent the percentage of the total payrolls used to compute the negative adjustment factor.

Provides that the computed negative adjustment factor remains effective until the fund balance is equal to or less than 4 percent (formerly 5 percent) of the total payrolls.

Requires that the adjustment factors applied to an employer's contribution rate not be less than zero.