

REPORT ON STATE LEGISLATION

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

REPORT ON STATE LEGISLATION

REPORT NO. 2
November 20, 2000

1. Amendments to State Unemployment Insurance Laws

ALABAMA	HB 113	ENACTED and EFFECTIVE April 25, 2000
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Administration

Provides that excess revenue generated by disclosing information to a consumer reporting agency be deposited into the Employment Security Administration Fund, rather than the unemployment trust fund, with continuous appropriation for the administration of the State law.

ALABAMA	HB 516 (Act 756)	ENACTED and EFFECTIVE May 25, 2000
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Administration

Allows nonprofit organizations to escrow funds into interest bearing accounts which are used by the Department of Industrial Relations for payment of UI.

ALABAMA	HB 599 (CH 456)	ENACTED May 11, 2000
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Financing

Extends the termination date of a special assessment of 0.06 percent of all wages from March 31, 2002, to March 31, 2004. Extends to March 31, 2004, the 0.06 percent reduction in regular contribution rates.

CALIFORNIA	SB 945 (CH 491)	ENACTED and EFFECTIVE September 8, 2000
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Coverage

Excludes from employment those services performed by an individual in a national service program funded by the Federal government such as AmeriCorps.

COLORADO	HB 1086 (CH 288)	ENACTED May 30, 2000 EFFECTIVE October 1, 2000
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Benefits

Changes the amount of benefit deduction due to receipt of a social security pension from 100 percent to 50 percent of the social security payment and otherwise clarifies the pension provisions.

COLORADO	HB 1310 (CH 132)	ENACTED March 16, 2000 EFFECTIVE as indicated
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Financing

Establishes a 20 percent tax credit for employers for calendar years 2001 and 2002, provided the unemployment compensation fund balance is at least one and one-tenth percent of the total amount of insured wages for the preceding year. Employers who have not filed required reports or paid taxes due, who are negative balance employers, or who reimburse the fund rather than pay contributions would not be eligible for the tax credit.

DELAWARE	(CH 361)	HB 252 ENACTED and EFFECTIVE June 30, 2000
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Benefits

Provided certain conditions are met, permits an individual to receive benefits if the individual left employment because of domestic abuse;

requires the individual to provide a written statement issued by an independent party addressing the individual's status in attempting to seek assistance for domestic abuse.

DELAWARE	SB 262 (CH 315)	ENACTED and EFFECTIVE June 16, 2000
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Administration

Gives the Department of Labor the same right to appeal from determinations by the UI Appeal board concerning employer assessments as it has with respect to determinations regarding eligibility for benefits.

Makes clear that parties have 10 days from the mailing of the UI Appeal Board's decision to file an appeal to the Superior Court.

FLORIDA	SB 568	ENROLLED March 30, 2000 EFFECTIVE November 4, 2000
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Administration

Recreates the Administrative Trust Fund November 4, 2000, the same day it is scheduled to be terminated. All current balances of the trust fund are carried forward, and all

current sources and uses of the trust fund are continued.

FLORIDA	SB 574	ENACTED March 30, 2000 EFFECTIVE November 4, 2000
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Administration

Recreates the Employment Security Administration Trust Fund November 4, 2000, the same day it is scheduled to be terminated. All current balances of the trust fund are carried forward, and all current sources and uses of the trust fund are continued.

FLORIDA	SB 584	ENACTED March 30, 2000 EFFECTIVE November 4, 2000
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Administration

Recreates the Special Employment Security Administration Trust Fund within the Department of Labor and Employment Security.

FLORIDA	SB 586	ENROLLED March 30, 2000 EFFECTIVE November 4, 2000
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Administration

Recreates the Unemployment Compensation Trust Fund Benefit Account November 4, 2000, the same day it is scheduled to be terminated. All current balances of the trust fund are carried forward, and all current sources and uses of the trust fund are continued.

FLORIDA	SB 588	ENROLLED March 30, 2000 EFFECTIVE November 4, 2000
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Administration

Recreates the Unemployment Compensation Trust Fund Clearing Account November 4, 2000, the same day it is scheduled to be terminated. All current balances of the trust fund are carried forward, and all current sources and uses of the trust fund are continued.

HAWAII	SB 2905 (Act 197)	ENACTED and EFFECTIVE June 8, 2000
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Financing

Extends the Employment Training Fund assessment from December 31, 2000, to December 31, 2003, for all contributing employers except those paying zero minimum rate or 5.4% maximum rate. The assessment decreases each year as follows; 0.05% for 2000, 0.03% for 2001, 0.01% for 2002, and no assessment for 2003 and all subsequent years.

IDAHOHB 393
(CH 137)ENACTED April 3, 2000
EFFECTIVE July 1,2000Benefits

Replaces an obsolete reference to the Job Training Partnership Act with a citation to the Workforce Investment Act provision related to approved training.

Clarifies that the disqualification related to making a false statement or failing to report a material fact is applicable only to claimants who willfully do so.

KENTUCKYHB 72
(CH 19)ENACTED February 21, 2000
EFFECTIVE July 14,2000Benefits

Eliminates the requirement to reduce the benefit amount for receipt of a pension (including social security) if the claimant contributed to the pension.

KENTUCKYHB 996
(CH 547)ENACTED April 26, 2000
EFFECTIVE as notedAdministration

EFFECTIVE January 1, 2001, increases the weekly benefit amount from 1.235 percent to 1.3078 percent of base-period wages, subject to specified maximums.

Financing

EFFECTIVE 2001, reduces tax rates for positive balance employers when the Trust Fund balance reaches a specified level.

MAINESB 957
(CH 705)ENACTED and EFFECTIVE
April 14, 2000

Provides that, unless inconsistent with Federal law, acceptance of training opportunities available through the Federal Workforce Investment Act of 1998 is deemed to be acceptance of training with the approval of the State with the meaning of any other provision of Federal or state law relating to unemployment benefits.

MAINESB 1019
(CH 740)ENACTED and EFFECTIVE
April 26, 2000 or as indicatedAdministration

Creates a process under which the Bureau of Employment Security reviews and evaluates all proposed legislation containing an unemployment compensation benefit change @ prior to the public hearing on the proposal. Benefit change is defined as any change in law that will cause a change in the number of people eligible, as well as any increase or decrease in the dollar amount, maximum amount, or duration of benefits payable. The Bureau's review and evaluation must address the potential impact on the unemployment compensation trust fund, on groups of individuals, employer taxes, and anything else the bureau considers appropriate. Once the review and evaluation has been completed, the joint standing committee of the legislature with jurisdiction over the proposal will review the Bureau's findings.

Financing

Sets forth the procedure for determining the rates schedule and planned yield in effect for a given year. Notwithstanding the procedure, a planned yield of 1.1 percent is in effect for calendar year 2000.

MARYLAND	HB 402 (CH 369)	ENACTED May 11, 2000 EFFECTIVE July 1, 2000
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Benefits

Raises maximum weekly benefit amount from \$250 to \$280.

MARYLAND	SB 77 (CH 227)	ENACTED May 11, 2000 EFFECTIVE June 1, 2000
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Benefits

Amends law to reflect permanent Federal authorization of the Self-Employment Assistance (SEA) program and elimination of a requirement by the U.S. Department of Labor that States submit a plan for approval by the Secretary prior to implementing the SEA program.

MICHIGAN	SB 1164 (PA 186)	ENACTED and EFFECTIVE June 20, 2000
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Benefits

Changes the conversion date to a wage record system from December 31, 2001 to October 1, 2000.

MINNESOTA	HB 2699 (CH 488)	ENACTED May 15, 2000
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Benefits

Exempts from the between-terms denial provision individuals with wage credits earned during the school year from a private employer performing work under a contract between the employer and an elementary or secondary school and the employment was related to food services provided to the school by the employer. Exemption expires December 31, 2001.

EFFECTIVE May 16, 2000, until January 1, 2001, provides additional benefits of up to 26 weeks to individuals laid off from Hennepin Paper Company due to lack of work, if certain eligibility requirements are met. Benefit amount is the same as for the regular State program.

EFFECTIVE May 16, 2000, provides additional benefits of up to 13 weeks to individuals laid off from Evtac Mining Company between the months of June and August 1999 due to lack of work, if certain eligibility requirements are met. Benefit amount is the same as for the regular State program. Individuals who prior to September 1, 2000, receive or have an agreement to receive a retirement pension financed in whole or in part by the Evtac Mining Company are not eligible.

EFFECTIVE retroactively to August 1, 1999, provides that 50 percent of primary social security disability benefits the applicant has received, has filed for, or intends to file for with respect to a week will be deducted from the weekly benefit amount. Regardless of this deduction provision, ineligibility for benefits for any week the applicant is receiving, has received, or has filed for primary social security disability benefits shall not apply if the Social Security Administration approved the collecting of primary social security disability benefits each month the applicant was employed during the base period.

NEW HAMPSHIRE	HB 1189 (CH 290)	ENACTED and EFFECTIVE June 21, 2000
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Coverage

Provides that the exemption for services performed by an individual who, on a temporary, part-time, contract basis [etc], does not apply to such service performed for the State or any of its political subdivisions or nonprofit organizations.

NEW HAMPSHIRE	HB 1311 (CH 78)	ENACTED April 21, 2000 EFFECTIVE June 21, 2000
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Financing

Exempts employers from obligation to pay contributions of less than \$1.

NEW HAMPSHIRE	HB 1422 (CH 116)	ENACTED May 8, 2000 EFFECTIVE July 7, 2000
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Administration

Changes the composition and appointment operating procedures of appellate board of the department of employment security to, among other things:

- Increase number of appellate board members increased from five to eight.
- Increase number of business representatives, organized labor representatives, and representatives of the public from one to two each.
- Increase length of terms from three to four years, but limits consecutive years of service to eight.
- Decrease duration of appointments of additional members (allowable during periods of increased workload) to one year.
- Require that, when the board is in session, none of the three members be from the same category of representation.

Allows an employer or employing unit to request that the commissioner reconsider his or her decision, or request a new hearing, if done within 20 days of mailing the mailing of the commissioner's decision.

Permits appeals to the appellate board of decisions of the commissioner.

NEW HAMPSHIRE	SB 32 (CH 244)	ENACTED July 9, 1999 EFFECTIVE upon enactment or as indicated
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Administration

Established a committee to review the inconsistencies within the State's statutes concerning definitions for, and treatment of, independent contractors. (Report was due 11/1/99.)

Coverage

EFFECTIVE January 1, 2000

Exempts the following services from the definition of employment:

the demonstration of products,
the offering of samples of products or promotional materials to customers, or
the conduct of store audits, or
the performance of mystery shopping as part of an advertising or sales promotion for the products,

when these services are done on a temporary, part-time, contract basis and (either in the field or over the telephone) and on premises not used or controlled by the person for whom such contract services are being provided.

NEW JERSEY

SB 869
(CH 391)

ENACTED and EFFECTIVE
January 18, 2000

Benefits

Provides that no otherwise eligible individual shall be denied benefits because the individual left work or was discharged due to circumstances resulting from being a victim of domestic violence.

Provides for non-charging of benefits paid to such individuals.

NEW MEXICO

HB 176 AND SB 3
(CH 7 AND CH 3)

ENACTED February 15, 2000
EFFECTIVE July 1, 2000

Benefits

Modifies the eligibility conditions to require that an unemployed individual have wages in at least two quarters of his base period rather than wages equal to one and one-fourth of his/her high quarter wages.

Modifies the eligibility conditions for subsequent benefit years to require that an individual must have performed services in employment and earned remuneration for such services equal to at least five times his weekly benefit amount in his prior benefit year rather than remuneration equal to the lesser of three-thirteenths of the individual's high quarter wages and six times his weekly benefit amount.

Eliminates the provision which provided for non-charging benefits based on work performed in a work release program designed to give an inmate of a correctional institution an opportunity to work while serving a term of incarceration if the inmate's separation was caused by his release from prison.

Deletes the requirement that wages required to qualify for subsequent benefit years be in insured work.

Coverage

Expands the exclusion from employment for service performed in the employ of a hospital, if the service is performed by a patient of the hospital, or services performed by an inmate of a custodial or penal institution, from only governmental and nonprofit entities to any employer.

Financing

Changes the factors used for determining rates schedules applicable in a given year EFFECTIVELY reducing employer contribution rates.

NEW YORK

SB 7932
(CH 339)

ENACTED and EFFECTIVE
August 23, 2000

Administration

Extends the termination date for requiring the appeal board to establish qualifications and procedures for the registration of agents authorized to represent certain claimants and other requirements for 2 years through December 31, 2002.

Extends the termination date for requiring the appeal board to maintain lists of authorized agents and attorneys available to represent claimants and requiring the availability of the lists to claimants on request for 2 years through December 31, 2002.

OHIO

HB 509

ENACTED and EFFECTIVE
June 21, 2000

Benefits

Requires the UI agency to notify the state or local child support enforcement agency enforcing a child support obligation of the claimant who owes the obligation only if the claimant is determined eligible for benefits. Requires the UI agency to deduct and withhold from benefits payable to a claimant owing child support obligations the appropriate amount as specified in the State's UI law. (Resolves pending issue.)

Specifies that for purposes of determining whether an individual has had sufficient employment since the beginning of the individual's previous benefit year to file for a subsequent benefit year, employment means the performance of services for which remuneration is payable.

Delays until March 3, 2002, the implementation of the requirement that a claimant be free from certain separation disqualifications to qualify for benefits.

Eliminates the provision exempting employers of individuals engaged in connection with the commercial canning or freezing of fruits and vegetables to furnish separation notices prior to separation.

Provides that a written notice of an individual filing for benefit rights does not need to be

sent to the individual's most recent separating employer if:

- The administrator is prohibited by law from revising a previous determination concerning a disqualification from benefits;
- The individual's employer indicates the notice is not needed;
- The individual's separation is one among fifty or more individuals separated by the same employer due to a lack of work, the administrator received information regarding the separations, and the reason for the separation is not disputed.

Administration

Requires appropriate charging and crediting to a suspense account when claimant eligibility determinations are pending (not final), rather than to a contributing employer's account.

Authorizes the director to reduce, in whole or in part, the amount of interest, forfeiture, or fines required to be paid if the director determines that the reduction is in the best interest of the unemployment compensation fund.

Modifies the conditions which a contributing employer must meet to qualify for an experience rate, specifying that the employer qualifies only if there have been 4 consecutive quarters, ending on June 30 immediately prior to the computation date, throughout which the employer's account was chargeable with benefits. (Resolves pending issue.)

Eliminates all provisions regarding the joint certification and expedited decision procedure related to 500 similarly situated claimants whose claims are pending a redetermination or appeal.

Specifies that an individual who is provided temporary work assignments under agreed terms and conditions (which require the individual to contact the employer upon the completion of assignments) is not eligible for benefits if the individual fails to contact the employer about future assignments.

Authorizes the director to disclose wage information to a consumer reporting agency for the purpose of verifying an individual's income under a written agreement when certain requirements are met.

Coverage

Excludes from employment:

- Service performed by an individual working 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.
- Service performed for an elementary or secondary school that is operated primarily for religious purposes, and exempt from Federal income taxation as provided by Federal

law.

-Service performed by a person committed to a penal institution.

Requires that determinations of employment of an authorized provider of a type B family day-care home for UI purposes are to be determined under the rules and regulations under the State's UI law. (Resolves pending issue.)

RHODE ISLAND	HB 7995 (CH 382)	ENACTED and EFFECTIVE July 20, 2000
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Financing

Imposes a 0.03 percent employment security reemployment assessment payable by all contributory employers for tax years 2001, 2002, and 2003.

Establishes a pilot research and demonstration rapid reemployment program.

Creates an employment security reemployment fund to deposit the assessment and other monies. Requires monies received in the fund to be used, among other things, to pay administrative expenses incurred to implement and operate a three-year pilot research and demonstration rapid reemployment program.

Reduces each contributory employer's unemployment insurance tax rate by 0.03 percent.

RHODE ISLAND	HB 7998 (CH 383)	ENACTED and EFFECTIVE July 20, 2000
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Financing

Increases the required Job Development Assessment paid by employers from 0.19 percent to 0.21 percent beginning January 1, 2001. The 0.02 percent will be used to support necessary core services in the unemployment insurance and employment services programs by the department of labor and training.

Increases the unemployment insurance tax reduction applicable to contributory employers from 0.19 percent to 0.21 percent.

RHODE ISLAND	SB 2082 (CH 340)	ENACTED and EFFECTIVE July 20, 2000
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Benefits

Provides that an individual is eligible for waiting period credit or benefits if the individual voluntarily leaves work due to domestic abuse and the individual: (1) fears domestic abuse at or on route to or from place of employment, (2) wishes to relocate to another geographical location to avoid future domestic abuse against the individual or the individual's family; or (3) believes that leaving work is necessary for future safety of individual or the individual's family.

Requires the individual to provide documentation of domestic abuse such as police or court records, or other documentation from a shelter worker, attorney, clergy member or

medical or other professional from which assistance was sought.

Requires confidentiality of evidence documentation unless individual gives consent for disclosure.

SOUTH CAROLINA HB 4521 (PA 349) ENACTED and EFFECTIVE
June 14, 2000

Benefits

Deletes the requirement that social security benefits be deducted from an individual's weekly benefit amount.

TENNESSEE SB 2749 AND HB 2667 ENACTED June 13, 2000
(CH 888) EFFECTIVE July 2, 2000

Benefits

For benefit years established on or after July 2, 2000, allows for the payment of benefits for the waiting period provided the claimant made a claim for benefits and is determined eligible and certified for benefits in the waiting period and in each of the three consecutive weeks immediately following such waiting period.

VERMONT HB 540 (PA 126) ENACTED and EFFECTIVE
May 12, 2000 unless
otherwise noted

Benefits

Deletes the disqualification related to holiday pay.

EFFECTIVE July 1, 2000; repeals the requirement that an individual serve a one-week waiting period in order to be eligible for benefits.

VIRGINIA HB 1339 ENACTED and EFFECTIVE
(CH 438) April 4, 2000

Coverage

Clarifies that services provided in the home by an individual, pursuant to an agreement among a service recipient, a public human services agency and such individual, constitute employment when coverage of such services is required by the Federal Unemployment Tax Act. (Resolves a conformity issue.)

VIRGINIA SB 779 ENACTED April 7, 2000
(CH 573) EFFECTIVE as indicated

Benefits

EFFECTIVE 11/28/99

Makes benefit increase scheduled to occur July 1, 2000, retroactive to November 28, 1999; maximum weekly benefit amount increased from \$230 to \$232.

Waives waiting week for claims filed

EFFECTIVE November 28, 1999, and after, for any individual whose unemployment was caused by his employer terminating operations, closing its business or declaring bankruptcy without paying the final wages earned.

Provides that, if paid late, final wages from an employer that terminates operations, closes its business, or declares bankruptcy, will not be offset against an individual's unemployment benefits or cause an individual to be declared overpaid benefits.

EFFECTIVE 4/7/00

Provides that a shift worker shall not be deemed unavailable for work if the worker is currently enrolled in one or more classes of education related to employment or is continuing in a certificate or degree program at an institution of higher education, if the enrollment would only limit the individual's availability for one shift and the individual is otherwise available to work any of the other shifts.

WASHINGTON

HB 3077
(CH 2)

ENACTED February 7, 2000
EFFECTIVE Upon enactment
or as indicated

Administration

Creates a legislative task force to review and make recommendations regarding the changes needed to ensure the unemployment insurance system meets the needs of employers and workers in the twenty-first century.

Instructs workforce training and education coordinating board to conduct a review and analysis of the program providing additional unemployment benefits program.

Benefits

EFFECTIVE for rate years beginning on or after January 1, 2000

Changes the computation of the Average annual wage for contribution purposes @ from a single year to a three-year average.

EFFECTIVE for weeks of unemployment beginning February 13, 2000.

Increases the disqualification for leaving work voluntarily without good cause or because of marital or domestic responsibilities, being discharged for misconduct, or refusing suitable work:

from five weeks and until re-employed and having earned five times the weekly benefit amount, to
seven weeks and until re-employed and having earned seven times the weekly benefit amount.

Clarifies that the exception to the voluntary quit disqualification for individuals who leave work to relocate for a spouse's employment only applies when, among other conditions, it is due to an employer-initiated, mandatory transfer.

Provides, subject to availability to funds, additional unemployment compensation for certain individuals in an approved training program who have exhausted their regular unemployment compensation. Maximum number of weeks is 26, except for workers in aerospace, forestry, and fishing where the maximum is 48 weeks until June 30, 2002.

Financing

Limits amount available for additional unemployment compensation for trainees to \$60 million for the two year period from June 30, 2000 to June 30, 2002, and thereafter \$20 million annually, plus any carry over funds.

Provides that training benefits paid not be charged to contributing employers.

Changes reference from the Standard Industrial Classification to the North American Industry Classification System Code.

EFFECTIVE for rate years beginning on or after January 1, 2000

Lowers taxable wage base from \$26,500 to \$24,300 for rate year 2000.

Lowers fund balance ratio triggers for various tax schedules and lowers tax rates for employers below the maximum rate.

Requires that sixty percent of tax collected to fund administration of additional benefits for trainees who have exhausted regular UI benefits be deposited in the unemployment trust fund.

2001 Regular Legislative Sessions

States	Convenes 2001 date	Adjourns
Alaska	January 8 th	May 16 th
Alabama	February 6 th	May 21 st
Arkansas	January 8 th	March 8 th
Arizona	January 8 th	April 19 th
California	December 4 th	September 14 th
Colorado	January 10 th	May 9 th
Connecticut	January 3 rd	June 1 st
Delaware	January 9 th	June 30 th
Florida	March 6 th	May 4 th
Georgia	January 8 th	March 21 st
Hawaii	January 17 th	May 4 th
Iowa	January 10 th	April 27 th
Idaho	January 8 th	March 19 th

Illinois	January 10 th	December 7 th
Indiana	November 21 st 2000	March 27 th
Kansas	January 8 th	April 6 th
Kentucky	No Regular 2001 Session	
Louisiana	March 26 th	June 18 th
Massachusetts	January 3 rd	November 21 st
Maryland	January 10 th	April 9 th
Maine	December 6 th 2000	June 20 th
Michigan	January 10 th	December 31 st
Minnesota	January 10 th	May 21 st
Missouri	January 3 rd	May 30 th
Mississippi	January 2 nd	April 1 st
Montana	January 3 rd	April 21 st
North Carolina	January 24 th	August 3 rd
North Dakota	January 9 th	May 2 nd
Nebraska	January 3 rd	June 2 nd
New Hampshire	December 6 th 2000	June 13 th
New Jersey	January 9 th	January 7 th 2002
New Mexico	January 16 th	March 17 th
Nevada	February 5 th	June 5 th
New York	January 10 th	January 9 th 2002
Ohio	January 2 nd	December 31 st
Oklahoma	February 5 th	May 25 th
Oregon	January 8 th	July 9 th
Pennsylvania	January 2 nd	November 30 th
Rhode Island	January 2 nd	July 12 th
South Carolina	January 9 th	June 7 th
South Dakota	January 9 th	March 9 th
Tennessee	January 9 th	June 5 th
Texas	January 9 th	May 28 th
Utah	January 15 th	March 1 st
Virginia	January 10 th	February 24 th
Vermont	January 3 rd	May 9 th
Washington	January 8 th	April 22 nd
Wisconsin	January 2 nd	December 31 st
West Virginia	January 10 th	April 15 th
Wyoming	January 9 th	March 5 th
U.S. Congress	January 3 rd	November 1 st