

average wages for insured work paid during the 4 quarters of his or her base period. (Effective for initial claims filed on or after October 1, 2015.)

Changes the maximum benefits payable for purposes of unemployment from the maximum potential benefits of any insured worker in a benefit year shall be the amount equal to whichever is the lesser of 25 times his or her weekly benefit amount or 1/3 of his or her wages for insured work in his or her base period to for initial claims filed on or after the first day of the calendar quarter following the effective date of this act, the maximum potential benefits of an insured worker in a benefit year shall be the amount equal to the lesser of 20 times his or her weekly benefit amount or 1/3 of his or her wages for insured work in his or her base period. (Effective for initial claims filed on or after October 1, 2015.)

ARKANSAS

SB 790
(Act No. 690)

ENACTED March 25, 2015
EFFECTIVE July 1, 2015

Financing

Adds to the provisions concerning the accrual and payment of unemployment insurance tax by employers that determinations of liability are conclusive and binding unless within 30 calendar days after the mailing date of the determination the employer requests an administrative determination of coverage. However, if the Director of the Department of Workforce Services determines that the request for an administrative determination of coverage is not perfected within the 30-calendar-day period as a result of circumstances beyond the employer's control, the Director may consider the request as having been filed timely.

Extends the ending collection date from June 30, 2015, to June 30, 2019, for the proceeds of the stabilization tax in the amount of the 0.025 percent of taxable wages collected to be deposited and credited to the Department of Workforce Services Training Trust Fund, there to be used for worker training.

Extends the ending collection date from June 30, 2015, to June 30, 2019, for the proceeds of the stabilization tax in the amount of the 0.025 percent of taxable wages collected to be deposited and credited to the Department of Workforce Services Unemployment Insurance Administration Fund, there to be used for operating expenses of the unemployment insurance program necessary for the proper administration of the Department of Workforce Services law as determined by the Director.

Adds to the provisions concerning collection of employer contributions to unemployment insurance after failure to pay or report that if, after due notice, a person defaults in payment of contributions, the federal income tax refund of the person is subject to interception under the Claims Resolution Act of 2010, Pub. L. No. 111-291, or a regulation adopted to implement that law.

Adds to the provisions concerning unemployment benefits for employees of nonprofit organizations and governmental entities that relief from billing shall not be granted if (a) an overpayment of benefits is the result of a failure by an employer or the employer's agent to respond timely or adequately to a request for information from the Department of Workforce

Services; and (b) the employer or the employer's agent has established a pattern of failing to respond to such requests.

Nonmonetary Eligibility

Deletes the provision that, if an individual is discharged for testing positive for an illegal drug pursuant to a U.S. Department of Transportation-qualified drug screen conducted in accordance with the employer's bona fide written drug policy, the individual is disqualified until he or she passes a U.S. Department of Transportation-qualified drug screen by testing negative for illegal drugs.

Provides that any weekly benefits payable subsequent to the date of the disqualification for testing positive for an illegal drug pursuant to a U.S. Department of Transportation-qualified drug screen conducted in accordance with the employer's bona fide written drug policy shall be terminated. The termination shall apply only to benefits payable within the benefit year of the claim with respect to which the claimant is disqualified for testing positive for an illegal drug pursuant to a U.S. Department of Transportation-qualified drug screen conducted in accordance with the employer's bona fide written drug policy.

Deletes the provision that an individual is disqualified for benefits if he or she was rejected for offered employment as the direct result of a failure to appear for a U.S. Department of Transportation-qualified drug screen after having received a bona fide job offer of suitable work subject to passage of the drug screen; or to pass a U.S. Department of Transportation-qualified drug screen by testing positive for an illegal drug after having received a bona fide job offer of suitable work and shall continue until the disqualified individual passes a U.S. Department of Transportation-qualified drug screen by testing negative for illegal drugs.

ARKANSAS

SB 842
(Act No. 1128)

ENACTED April 6, 2015
EFFECTIVE July 22, 2015

Coverage

Excludes from the definition of "employment" service performed in agricultural labor by aliens admitted to the United States under the Immigration and Nationality Act of 2011, 8 U.S.C. Section 1184(c) and 8 U.S.C. Section 1101(a)(15)(H). However, these excluded aliens shall be counted in determining whether an agricultural employer meets the coverage requirements under Section 11-10-210(a)(5)(A).

ARKANSAS

SB 913
(Act No. 1133)

ENACTED April 6, 2015
EFFECTIVE July 22, 2015

Coverage

Excludes from the definition of "employment" services performed by a full-time student in the employ of an organized camp:

operations from another state to this state shall be deemed to be a qualified employer as of the computation date applicable to the calendar year within which the transfer occurs, if:

(1) the employer has paid wages subject to the Federal Unemployment Tax Act for 18 consecutive completed calendar quarters immediately preceding the specified computation date;

(2) within 90 days of the transfer of operations, the employer notifies the Department of Labor and Regulation and requests a contribution rate; and

(3) the employer certifies to the Department all information with respect to wages, contributions, and benefit charges in connection with the transferred operations and any other information which the Department determines to be necessary.

Repeals the provision that the employer has 15 days after receipt of notice of determination of the computed contribution rate within which to withdraw the employer's request for application.

Repeals the provision that the employer shall furnish to the Department at such times as the Department prescribes all information which the Department determines to be necessary with respect to those benefits paid, subsequent to the transfer and prior to each succeeding computation date, which were based on wages, applicable to the transferred operations, paid in such other state.

Repeals the provision that wages, contributions, and benefits resulting in rating account charges in connection with the transferred operations shall be deemed to have been paid in this state for the purpose of computing rates. The employer's rating account balance applicable to the transferred operations prior to the transfer date shall be the balance used in determining the first year's rate. The balance for the second and third years shall be the amount transferred from the other state less benefits after the date of transfer and the contributions paid less benefits charged in this state during the period.

Repeals the provision that the contribution rate to be assigned to the employer in South Dakota shall be the rate obtained by the computation provided in the laws, but in no event may the rate assigned be lower than one and one-half percent.

UTAH HB 65
 (CH 143)

ENACTED March 25, 2015
EFFECTIVE May 11, 2015

Administration

Allows the Unemployment Insurance Division to disclose certain information to an employee of the Wage and Hour Division of the United States Department of Labor for the purpose of carrying out the programs administered by the Wage and Hour Division as permitted under 20 C.F.R. 603.5(e), if the information is subject to the payment of costs and:

- is limited to:

- the name and identifying information of an employer found by the Utah Department of Workforce Services to have misclassified one or more workers;
- the total number of misclassified workers for that employer; and
- the aggregate amount of misclassified wages for that employer;
- an employer is given the opportunity to cure a misclassification of one or more workers, in a manner established by Division rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, before the information is disclosed; and
- an annual report regarding the benefit to the state from disclosure of information is provided to the Department for inclusion in the Department's annual report.

The above disclosure provision is repealed July 1, 2017.

WEST VIRGINIA

HB 2878
(CH 42)

ENACTED April 1, 2015
EFFECTIVE June 12, 2015

Administration

Requires the Secretary of State of West Virginia to create an electronic web-based business portal to aid businesses operating or seeking to operate in West Virginia. The business portal is required to provide business owners with the option to electronically file annual reports and pay unemployment taxes.

Additionally, the portal is required to give downloadable access to all editable forms from the West Virginia Division of Labor.

WYOMING

HB 139
(CH 87)

ENACTED March 2, 2015
EFFECTIVE July 1, 2015

Appeals

Extends, from within 15 days to within 28 days after notice is mailed, the time period to file an appeal from a redetermination notice or a denied determination notice to an appeal tribunal.

Extends, from within 15 days to within 28 days after notice is mailed, the time period to file an appeal from the first level appeal decision notice to the Commission.

Extends, from within 15 days to within 28 days after notice is mailed or delivered, the time period allowing the Commission to review a decision of an appeal tribunal, review a determination of a special examiner, or grant an appeal from a decision upon application filed by any party entitled to notice.

Extends, from within 15 days to within 28 days after the mailing or delivery of notice, the time period allowing an employer to apply in writing to a notice of benefits charged to his/her account for relief of benefit charges.