

Conformity Requirements for State UC Laws

Double Dip

Background

Section [3304\(a\)\(7\)](#), FUTA, requires that “an individual who has received compensation during his benefit year is required to have had work since the beginning of such year in order to qualify for compensation in his next benefit year.” This provision, often referred to as the “double-dip” provision, prohibits an individual from collecting compensation in two successive benefit years when there has been only one separation from work.

Frequently Asked Questions

1. What constitutes “work” for purpose of the double dip provisions?

The Department of Labor has interpreted “work” as meaning services for which remuneration is payable. The determination as to how much work is required or whether it has to be in covered employment is a matter addressed in state law.

2. May the state use other forms of remuneration to meet this requirement?

No. Remuneration from sources such as disability benefits, vacation pay, separation pay, or back pay does not meet the definition of work since none of these is remuneration for services performed.

3. How does the double dip requirement apply to Combined-Wage Claims?

Nothing in Federal law requires the application of the double dip provision when the first benefit year is established under the law of another state. Conversely, nothing in Federal law prohibits states from applying this requirement in such a situation. Therefore, whether those provisions apply when the first benefit year is in another state is a matter to be determined by state law.

References

- [Orange Book](#). Draft Legislation to Implement the Employment Security Amendments of 1970, pp. 45-50.
- [UIPL 18-92](#). Definition of “Work” for Purposes of Section 3304(a)(7) of the Federal Unemployment Tax Act.