

INTERSTATE RECIPROCAL COVERAGE AGREEMENT

Records of ICESA Headquarters indicate all states except the following are signatory to the Interstate Reciprocal Coverage Agreement:

Alaska
Kentucky
Mississippi

New Jersey
New York
Puerto Rico

INTERSTATE RECIPROCAL COVERAGE ARRANGEMENT

Effective January, 1944

I. Purpose of Plan

This Plan shall operate as to those administrative state agencies which adopt the plan. The purpose of this Plan shall be to provide for coverage under the unemployment compensation law of one state of services performed by an individual for a single employing unit for whom such services are customarily performed by such individual in more than one jurisdiction, to the end that duplication of contributions with respect to the same services be avoided and continuity of coverage of services customarily performed in more than one jurisdiction be assured.

To effectuate this purpose, each subscribing unemployment compensation administrative agency enters into this Arrangement with each other agency subscribing thereto.

II. Interstate Benefit Payments Committee - Functions

A. To instrument this plan, the Interstate Benefit Payments Committee (hereinafter referred to as the Committee) shall:

1. Encourage and assist cooperation between the state agencies subscribing to this plan in furtherance of its purpose.

2. Recommend rules, regulations, instructions, procedural forms, and interpretative decisions relating to this plan to be utilized by the state agencies.

3. Aid in adjusting differences between the state agencies.

4. To do any and all things necessary, consistent with purposes of this plan, provided that nothing herein shall be construed as affording the committee authority to exercise the powers of the several state agencies or of the Bureau of Employment Security (changed to Employment and Training Administration in December, 1975).

B. Two technical advisors of the Bureau of Employment Security may assist the committee in the performance of its duties.

III. State Agencies - Duties and Privileges

A. Each subscribing state agency shall cooperate with each other and the committee.

B. Each subscribing state agency shall so far as it deems practicable, adopt and put into force and effect each rule, regulation, instruction, procedural form and interpretative decision relating to this plan, as suggested by the committee, except as a state agency finds to be clearly inconsistent with its state law.

C. Nothing in this plan shall be construed as a prohibition upon the state agencies against modification of such procedure as may be instituted by the committee and otherwise adopting such special arrangements as may appear desirable. The terms of such modifications and special arrangements shall be filed with the committee prior to their being put into effect.

IV. Plan - Commencement and Duration

A. The plan shall be operative, solely as to those state agencies subscribing thereto, upon adoption by the Interstate Conference and upon the subscription thereto of two agencies, and may be amended by the action of two-thirds of the agencies subscribing to this plan.

B. Any subscribing state agency may cease to participate in this plan by filing notice of its intention with the committee and its participation shall cease at the close of the next calendar quarter, which starts after the date of filing such notice.

C. For the purpose of this plan, the term "state agency" shall include the District of Columbia.

Notice of Subscription
to the
Interstate Reciprocal Coverage Arrangement

The undersigned officer of the _____ (Name of State Agency)
hereby subscribes on behalf of said agency to the "Interstate Reciprocal Coverage Agreement" adopted by the Interstate Conference of Employment Security Agencies at its sixth Annual Meeting in October 1942, as amended.

Name of Subscribing State Agency

Signature of Officer Authorized to Enter into Reciprocal Coverage Arrangement

Date Signed

Title of Officer

Suggested Regulation for Reciprocal Coverage
To Be Adopted By Each State

1. The following regulation shall govern the (State) employment security agency in its administrative cooperation with other States subscribing to the Interstate Reciprocal Coverage Arrangement, hereinafter referred to as "the Arrangement."

2. Definitions

As used in this regulation, unless the context clearly indicates otherwise:

(a) "Jurisdiction" means any state of the United States, the District of Columbia, Canada (1/) or, with respect to the Federal government, the coverage of any Federal unemployment insurance law;

(b) "Participating jurisdiction" means a jurisdiction whose administrative agency has subscribed to the arrangement and whose adherence thereto has not terminated;

(c) "Agency" means any officer, board, commission, or other authority charged with the administration of the unemployment compensation law of a participating jurisdiction;

(d) "Interested jurisdiction" means any participating jurisdiction to which an election submitted under this regulation is sent for its approval; and "interested agency" means the agency of such jurisdiction;

(e) "Services 'customarily performed' by an individual in more than one jurisdiction" means services performed in more than one jurisdiction during a reasonable period, if the nature of the services gives reasonable assurance that they will continue to be performed in more than one jurisdiction or if such services are required or are expected to be performed in more than one jurisdiction under the election.

3. Submittal and approval of coverage elections under the Interstate Reciprocal Coverage Arrangement

(a) Any employing unit may file an election, on Form _____, to cover under the law of a single participating jurisdiction all of the services performed for him by an individual who customarily works for him in more than one participating jurisdiction. Such an election may be filed, with respect to an individual, with any participating jurisdiction in which (1) any part of the individual's services are performed; (2) the individual has his residence; or (3) the employing unit maintains a place of business to which the individual's services bear a reasonable relation.

i/ The inclusion of Canada is optional but recommended.

(b) The agency of the elected jurisdiction (thus selected and determined) shall initially approve or disapprove the election.

If such agency approves the election, it shall forward a copy thereof to the agency of each other participating jurisdiction specified thereon, under whose unemployment compensation law the individuals in question might, in the absence of such election, be covered. Each such interested agency shall approve or disapprove the election, as promptly as practicable; and shall notify the agency of the elected jurisdiction accordingly.

In case its law so requires, any such interested agency may, before taking such action, require from the electing employing unit satisfactory evidence that the

affected employees have been notified of, and have acquiesced in, the election.

(c) If the agency of the elected jurisdiction, or the agency of any interested jurisdiction, disapproves the election, the disapproving agency shall notify the elected jurisdiction and the electing employing unit of its action and of its reasons therefor.

(d) Such an election shall take effect as to the elected jurisdiction only if approved by its agency and by one or more interested agencies.

(e) An election thus approved shall take effect, as to any interested agency, only if it is approved by such agency.

(f) In case any such election is approved only in part, or is disapproved by some of such agencies, the electing employing unit may withdraw its election within ten days after being notified of such action.

4. Effective Period of Elections

(a) Commencement. An election duly approved under this regulation shall become effective at the beginning of the calendar quarter in which the election was submitted, unless the election, as approved, specifies the beginning of a different calendar quarter.

If the electing unit requests an earlier effective date than the beginning of the calendar quarter in which the election is submitted, such earlier date may be approved solely as to those interested jurisdictions in which the employer had no liability to pay contributions for the earlier period in question.

(b) Termination.

(1) The application of an election to any individual under this regulation shall terminate if the agency of the elected jurisdiction finds that the nature of the services customarily performed by the individual for the electing unit has changed, so that they are no longer customarily performed in more than one participating jurisdiction. Such termination shall be effective as of the close of the calendar quarter in which notice of such findings is mailed to all parties affected.

(2) Except as provided in subparagraph (1), each election approved hereunder shall remain in effect through the close of the calendar year in which it is submitted, and thereafter until the close of the calendar quarter in which the electing unit gives written notice of its termination to all affected agencies.

(3) Whenever an election under this regulation ceases to apply to any individual, under subparagraph (1) or (2), the electing unit shall notify the affected individual accordingly.

5. Reports and Notices by the Electing Unit

(a) The electing unit shall promptly notify each individual affected by its approved election, on Form _____, supplied by the elected jurisdiction, and shall furnish the elected agency a copy of such notice.

(b) Whenever an individual covered by an election under this regulation is separated from his employment, the electing unit shall again notify him, forthwith, as to the jurisdiction under whose unemployment compensation law his services have been covered. If at the time of termination the individual is not located in the elected jurisdiction, the electing unit shall notify him as to the procedure for filing interstate benefit claims.

(c) The electing unit shall immediately report to the elected jurisdiction any change which occurs in the conditions of employment pertinent to its election, such as cases where an individual's services for the employer cease to be customarily performed in more than one participating jurisdiction or where a change in the work assigned to an individual requires him to perform services in a new participating jurisdiction.

6. Approval of Reciprocal Coverage Elections

The (name of state agency) hereby designates to its (title of officer selected) authority to approve or disapprove reciprocal coverage elections in accordance with this regulation.