

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

**REPORT ON STATE LEGISLATION**

REPORT NO. 1

July 2009

**CALIFORNIA**      AB 29c                      ENACTED and EFFECTIVE March 27, 2009  
                             (CH 23)

Appeals

Requires the appeals board to permit a party or representative to participate in a hearing by telephone upon request and showing a good cause.

Monetary Entitlement

Establishes an alternative base period for any new claim filed on or after April 3, 2011, or earlier consisting of the last 4 completed calendar quarters to use if a valid claim or benefit year cannot be established using the regular base period. Requires the quarter with the highest wages to be used to determine the individual's weekly benefit amount. Provides that wages used in determining benefits payable may not be used again in any subsequent benefit year.

Establishes requirements for a subsequent new claim to be valid if an alternative base period was used to establish the previous valid claim.

Provides that the notice of the computation of the benefits sent to the claimant's base period employers must also contain the duration of benefits, the weekly benefit amount, and the maximum amount of benefits potentially payable.

Provides that computation using the last 4 completed calendar quarters must be based on available wage information processed as of the close of business on the day preceding the date of application.

Establishes procedures for obtaining wage information from the employer and the claimant if it is not already in the department's system and for adjusting a determination of benefits when the quarterly wage report from the employer is received.

Provides that if any information provided by the claimant on an affidavit is erroneous, no penalty or refund of benefits will be imposed for the period prior to the calendar week in which an employer provides subsequent wage information, except in the event of fraud.

**COLORADO**

HB 1054  
(CH 65)

ENACTED and EFFECTIVE March 25, 2009

Financing

Provides that benefits paid to an individual who quits to relocate to a new residence from which it is impractical to commute to the place of employment because the individual's spouse who was stationed in Colorado and who is an active duty member of the U.S. armed forces is killed in combat must be charged to the fund and must not affect an employer's tax rate.

Nonmonetary Eligibility

Provides that an individual who quits to relocate to a new residence from which it is impractical to commute to the place of employment because the individual's spouse who was stationed in Colorado and who is an active duty member of the U.S. armed forces is killed in combat is eligible for benefits. Requires the individual to be available for suitable work.

Repeals the above provisions effective July 1, 2019.

**IDAHO**

HB 76  
(CH 70)

ENACTED and EFFECTIVE April 1, 2009

Coverage

Excludes from the definition of "employment" service performed by an individual engaged in the trade or business of selling or soliciting the sale of consumer products in a private home or a location other than in a permanent retail establishment, provided certain criteria are met.

**MICHIGAN**

HB 6426  
(Public Act No. 479)

ENACTED and EFFECTIVE January 9, 2009

Financing

Provides that for benefit years beginning after March 30, 2009, benefits paid to a person who leaves employment to accompany a spouse who is a full-time member of the United States armed forces and is reassigned for military service in a different geographic location are not chargeable to the employer, but will be charged to the nonchargeable benefits account.

**MICHIGAN**

HB 6427  
(Public Act No. 480)

ENACTED and EFFECTIVE January 9, 2009

Nonmonetary Eligibility

Provides that an individual will not be disqualified for voluntarily leaving work if the individual is the spouse of a full-time member of the United States armed forces, and the leaving is due to the military duty reassignment of that member of the United States armed forces to a different geographic location.

**MINNESOTA**      SB 4  
                              (CH 128)

ENACTED January 29, 2009  
EFFECTIVE as noted

### Extensions and Special Programs

Establishes a special state emergency unemployment compensation (EUC) program for exhaustees of regular benefits who:

- do not qualify for unemployment benefits under the Federal EUC 2008 program (EUC08) because they do not meet the 20 weeks of full-time insured employment or the equivalent in insured wages of not less than 40 times the applicant's weekly benefit amount requirement of that program.
- meet all requirements under the Minnesota UC law and under the EUC 08 program except the employment/earnings requirement.

Provides that the special state EUC benefits must be paid in the same amounts, the same duration, and for the same time period as provided for under the EUC08 program and any later amendments.

Provides that special state EUC benefits must be paid from the Minnesota unemployment insurance program trust fund and not be used in computing the future unemployment tax rate of a taxpaying employer nor charged to the reimbursing account of a government or nonprofit employer.

Provides that the special state EUC program expires on June 30, 2010, and no benefits will be paid for a week beginning after that date.

(Effective on February 1, 2009, and applies only to weeks of unemployment after February 1, 2009.)

### Monetary Entitlement

Modifies the term "base period" as follows:

Base Period:

- (1) The base period, unless otherwise provided, means the last 4 completed calendar quarters before the effective date of an individual's application for unemployment

benefits if the application has an effective date occurring after the month following the last completed calendar quarter.

- (2) If an application for unemployment benefits has an effective date that is during the month following the last completed calendar quarter, then the base period is the first 4 of the last 5 completed calendar quarters before the effective date of an individual's application for unemployment benefits.

Provides that the base period may not include wage credits upon which a prior benefit year was established.

Removes the language providing for an alternate base period of the last 4 completed calendar quarters before the effective date of an individual's application for unemployment benefits and providing that an alternate base period can be used only 30 calendar days or more after the end of the last completed quarter when a wage detail report has been, or should have been, filed for that quarter.

Provides that notwithstanding other provisions of law, the base period using the first 4 of the last 5 completed calendar quarters before the effective date of an individual's application for unemployment benefits must be used for an individual if the individual has more wage credits under that base period than the base period using the last 4 completed calendar quarters before the effective date of an individual's application for unemployment benefits.

(Applies to applications for unemployment benefits filed effective on or after July 1, 2009.)

**NEW JERSEY**      AB 3457      ENACTED and EFFECTIVE January 27, 2009  
(CH 12)

### Financing

Eliminates the noncharging provision that provided that if the total amount of benefits paid to a claimant and charged to the account of the appropriate employer exceeds 50 percent of the total base year, base week wages paid to the claimant by that employer, then such employer will have canceled from his account such excess benefit charges.

**NEW HAMPSHIRE**      Rule 7076      ADOPTED March 13, 2009  
EFFECTIVE February 13, 2009

### Nonmonetary Eligibility

Amends the part-time and shift availability rules to:

- define that "based on wages earned in part-time work" means some portion of the individual's annual earnings were for employment of less than 37.5 hours a week.

- provide that individuals wishing to be exempt from applying for or accepting full-time or part-time work during the hours of a particular shift must provide certain information about their reasons including information about their child for which the individuals are the only adult available for the care of such child.
- require individuals not available for full-time work to inform the department whether during the base period some portion of the annual earnings were for employment of less than 37.5 hours a week. (Previously, individuals had to inform the department of their usual work schedule for the weeks they performed services during the 26 week period.)
- provide that an adult other than the individual claiming benefits must be considered “available” if it is determined that the adult is a suitable person to provide care.
- provide the criteria for considering if the other adult is a suitable person.

Deletes language defining the meaning of “the individual’s last 6 months in employment” and “throughout such 6 month period.”

**NEW JERSEY**      AB 3818      ENACTED and EFFECTIVE March 17, 2009  
(CH 20)

Extensions and Special Programs

Repeals the 2 percent “off-trigger” provision for the program providing up to 26 weeks of additional unemployment insurance benefits during training (ABT) for laid-off displaced workers. (Previously, the ABT provision provided an off trigger to reject any new applications for ABT whenever the total amount of ABT payments exceeded 2 percent of the cumulative annual balance of the unemployment insurance fund.)

**OHIO**      HB 2      ENACTED and EFFECTIVE April 1, 2009  
(Session Law No. 1)

Extensions and Special Programs

Adds the optional extended benefits (EB) provision in its law based on the total unemployment rate (TUR) for weeks of unemployment beginning on or after February 22, 2009, providing for up to 13 weeks of EB if the average TUR seasonally adjusted, for the most recent 3 months is at least 6.5 percent and is 110 percent of the rate for the corresponding 3-month period in either or both of the 2 previous years; the state is in a high unemployment period if the average TUR is at least 8 percent and is 110 percent of the rate for the corresponding 3-month period in either or both of the 2 previous years in which EB duration increases from 13 to 20 weeks. (Provisions cease to be effective either on December 6, 2009, or until the close of the last day of the week ending 3 weeks prior to the last week for which Federal sharing is authorized by Federal law, whichever is later. EB not payable beyond May 29, 2010.)

**OREGON** HB 2202  
(CH 10)

ENACTED and EFFECTIVE March 12, 2009

Appeals

Provides that among other things, the administrative law judge at a hearing may address issues raised by evidence in the record including continued claims filed subsequent to issuance of a decision.

Provides that any party may file a request to reopen the hearing following the issuance of a written decision by an administrative law judge whose decision whether to grant the request to reopen the hearing must be in writing and mailed to the parties. Allows this judge to reopen the hearing if:

- any party requesting the reopening failed to appear at the hearing;
- the party files the request within 20 days of issuance of the written decision; and
- the cause of the failure to appear was beyond the control of the requesting party.

**SOUTH DAKOTA** HB 1176  
(CH 273)

ENACTED and EFFECTIVE March 13, 2009

Monetary Entitlement

Establishes an alternate base period as the four completed calendar quarters immediately preceding the individual's benefit year for individuals failing to meet the minimum requirements due to insufficient wages; provides that no calendar quarter used in one base period of a valid claim may be used in a subsequent base period.

**UTAH** Rule 31904

ADOPTED January 1, 2009  
EFFECTIVE December 3, 2008

Nonmonetary Eligibility

Provides that if a claimant is disqualified from receiving unemployment benefits because he or she was discharged for a crime in connection with work, the claim will be established for 52 weeks and cannot be canceled.

**WASHINGTON** HB 1906  
(CH 3)

ENACTED and EFFECTIVE February 16, 2009

Extensions and Special Programs

Deletes from the Shared Work Program the requirement that the plan applies to at least 10 percent of the employees in the affected unit and that an individual may not be paid shared work benefits for more than 26 weeks in any 12-month period.

Expands the training benefits program, applicable to claims effective on or after September 7, 2009, to individuals:

- whose average hourly wage in the base year is less than 130 percent of the state minimum wage and meets other criteria;
- who served in the U.S. military or the Washington national guard during the 12-month period prior to the application and meets other criteria;
- who is currently serving in the Washington national guard and meets other criteria; or
- who is disabled due to an injury or illness and meets other criteria.

Provides that the total training benefit amount is 52 times the individual's weekly benefit amount, reduced by the total amount of regular benefits and extended benefits paid or deemed paid.

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

Provides that training benefits are not payable for weeks more than 2 years beyond the end of the benefit year of the regular claim.

### Monetary Entitlement

Establishes a state temporary benefit increase of \$45 from May 3, 2009, to January 2, 2010.

Increases temporarily the minimum weekly benefit amount from \$129 to \$155 and the maximum weekly benefit amount from \$541 to \$586 from May 3, 2009, to January 2, 2010.

Removes obsolete provisions regarding the calculation of the weekly benefit amount, duration, the maximum amount payable weekly, and when the state unemployment rate is 6.8 percent or less.

Expands the training benefits program to include dislocated workers, applicable to claims effective on or after April 5, 2009. These training benefits are available subject to availability of funds.

### Financing

Provides that the following benefits paid will not be charged to the experience rating account of any contribution paying employer:

- the \$45 increase paid as part of the individual's weekly benefit amount;
- the training benefits paid under the new training benefits program; and
- the increased difference between the minimum weekly benefit amount of \$155 and the weekly benefit amount of \$129.

Provides that to calculate the flat social cost factor for rate years 2010 and 2011, the \$45 increase paid as part of the individual's weekly benefit amount will not be considered for purposes of calculating the total unemployment benefits paid to claimants in the 4 consecutive calendar quarters immediately preceding the computation date.

**WYOMING**

SB 90  
(CH 161)

ENACTED March 6, 2009  
EFFECTIVE July 1, 2009

Financing

Excludes from charging to employers' accounts benefits paid to military spouses who relocate due to the transfer of a member of the U.S. armed forces whose relocation is the result of certain assignments; provides that the benefits will not affect an employer's experience rating account.

Nonmonetary Eligibility

Provides that military spouses are not disqualified from benefits as a result of a relocation due to the transfer of a member of the U.S. armed forces whose relocation is the result of certain assignments and it is impractical to commute to the place of employment, and upon arrival at the new residence, the military spouse is able and available for suitable work, and registers for work with the appropriate agency where residing.

(Repeals the above provisions effective July 1, 2018.)