



# Oregon

Theodore R. Kulongoski, Governor

## Employment Department

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Salem, OR 97311

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[www.emp.state.or.us](http://www.emp.state.or.us)

May 5, 2009

Cheryl Atkinson, Administrator  
Office of Workforce Security  
200 Constitution Avenue NW  
Room S-4231  
Washington, DC 20210



Dear Ms. Atkinson:

On behalf of the State of Oregon, I hereby apply for an Unemployment Compensation Modernization Incentive payment pursuant to Section 2003(a) of Public Law 111-5. This represents 1/3 of the Unemployment Insurance Modernization funds available under Public Law 111-5.

On April 21, 2009, Oregon's Governor Ted Kulongoski signed Senate Bill 462 into law to allow unemployment claims based on alternate base years. Under the bill, claimants who don't qualify for benefits using the first four of the last five completed quarters may qualify by using the four most recently completed quarters.

I certify that Senate Bill 462 permanently amends Oregon law and not subject to discontinuation other than repeal by a future legislature. The bill creates new law which becomes effective July 1, 2009 and will apply to claims effective on or after that date. A copy of Senate Bill 462 is attached to support this application.

I further certify that this application is submitted in good faith with the intention of providing benefits to unemployed workers who meet the eligibility provisions on which it is based.

The State of Oregon intends to use the incentive funds granted for the payment of unemployment compensation and administrative costs as authorized by federal law. We also intend to submit a separate application for the two-thirds incentive payment in the near future.

If you have any questions, or need additional information, please feel free to contact Tom Byerley, Administrator of the UI Division at (503) 947-1707.

Sincerely,

Laurie A. Warner  
Director

Attachment



Enrolled  
Senate Bill 462

Sponsored by COMMITTEE ON COMMERCE AND WORKFORCE DEVELOPMENT

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CHAPTER .....

AN ACT

Relating to eligibility for unemployment insurance benefits; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

**SECTION 1.** Section 2 of this 2009 Act is added to and made a part of ORS chapter 657.

**SECTION 2.** (1)(a) Notwithstanding ORS 657.010 (1), in the case of an individual who is not eligible for benefits under ORS 657.150 (2) using the definition in ORS 657.010 (1), "base year" means the last four completed calendar quarters preceding the benefit year.

(b) Notwithstanding paragraph (a) of this subsection, a determination of eligibility under ORS 657.150 (2) may not be made using paragraph (a) of this subsection if the individual qualifies or would qualify for regular benefits under the unemployment law of another governmental jurisdiction using that jurisdiction's standard base year.

(c) Work and earnings in a calendar quarter that is included in a claim determined to be eligible using the base year as defined in paragraph (a) of this subsection cannot be included in the base year of a subsequent claim unless the subsequent claim's base year is extended under ORS 657.170 to include the calendar quarter.

(2)(a) Except as provided in paragraph (b) of this subsection, the definition of "base year" that applies for the purposes of determining an individual's eligibility for benefits under ORS 657.150 applies for all purposes under this chapter related to that individual's claim.

(b) When making a finding under ORS 657.170 (1), "base year" has the meaning given that term in ORS 657.010 (1).

(3) The Director of the Employment Department shall adopt rules necessary to carry out the provisions of this section. \*

**SECTION 3.** Section 2 of this 2009 Act applies to claims for benefits filed on or after the effective date of this 2009 Act.

**SECTION 4.** This 2009 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect on July 1, 2009.

Passed by Senate April 1, 2009

*Judy Hall*  
Secretary of Senate  
*Peter Courtney*  
President of Senate

Received by Governor:

9:15 a.m. April 17, 2009

Approved:

10:15 a.m. April 21, 2009

*Rowan R. Kubanyan*  
Governor

Passed by House April 14, 2009

*James*  
Speaker of House

Filed in Office of Secretary of State:

2:54 P.M. April 21, 2009

*Kate Brown*  
Secretary of State