

received 4/27/10



SOUTH DAKOTA DEPARTMENT OF LABOR
PAMELA S. ROBERTS, SECRETARY

April 26, 2010

Gay Gilbert, Administrator
U.S. Department of Labor
Office of Workforce Security
200 Constitution Avenue NW, Room S-4231
Washington, DC 20210

Dear Ms Gilbert:

Please consider this the South Dakota request for an incentive payment of \$11,765,089. This represents the remaining two-thirds of the Unemployment Insurance modernization funding available under Public Law 111-5.

This application is based on the enactment of South Dakota House Bill 1018, which was signed by Governor Rounds on March 12, 2010. This legislation creates a 26 week benefit extension of workers in approved training and codifies the South Dakota policy of allowing benefits to workers who seek only part-time work if they have a pattern of part-time work in the claim base period.

Please also consider this request to be my certification that:

- The legislation is effective July 1, 2010, and will apply to claims filed after that date.
- The legislation is permanent and not subject to discontinuation other than repeal by the legislature.
- The application is submitted in good faith with the intention of providing benefits to unemployed workers who meet the eligibility provisions on which the application is based.

We will use the incentive funds to pay benefits to workers, including those who establish eligibility by virtue of the provisions in HB 1018.

A copy of HB 1018 is enclosed.

Thanks you for your assistance in this matter.

Sincerely,

Pamela S. Roberts
Secretary

EXECUTIVE OFFICE KNEIP BUILDING 700 GOVERNORS DRIVE
PIERRE, SOUTH DAKOTA 57501-2291
605-773-3101 - (Fax) 605-773-4211

AN ACT

ENTITLED, An Act to revise certain provisions regarding unemployment insurance benefit eligibility of part-time workers and to provide additional unemployment insurance benefits to workers attending approved training.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That chapter 61-6 be amended by adding thereto a NEW SECTION to read as follows:

No individual may be denied regular benefits based on availability for work pursuant to subdivision 61-6-2(3), actively seeking work pursuant to rules promulgated pursuant to § 61-6-2, or refusal to accept work pursuant to § 61-6-15, solely because the individual is seeking only part-time work, if the department determines that a majority of the weeks of work in the individual's base period were for less than full-time work. For purposes of this section, seeking only part-time work, means seeking work that has comparable hours to the individual's part-time work experience in the individual's base period.

Section 2. That chapter 61-6 be amended by adding thereto a NEW SECTION to read as follows:

In addition to and subsequent to payment of all benefits otherwise allowed under this chapter and without restriction with respect to an individual's benefit year, training extension benefits shall be payable to any individual if all of the following criteria are met:

- (1) The individual is unemployed;
- (2) The individual has exhausted all rights to regular and extended benefits;
- (3) The individual is enrolled, no later than the end of the benefit year established with respect to the separation that makes the individual eligible for the training benefit, and making satisfactory progress, as determined by the secretary, in a training program approved by the department, or in a job training program authorized under the Workforce Investment Act of 1998. Each such training program shall prepare the individual who has

been separated from a declining occupation, as determined by the department, or who has been involuntarily and indefinitely separated from employment as a result of a permanent reduction of operations at the individual's place of employment, for entry into a high-demand occupation, as determined by the department; and

- (4) The individual is not receiving similar stipends or other training allowances for nontraining costs.

The amount of unemployment compensation payable under this section to an individual for a week of unemployment shall be equal to the individual's weekly benefit amount for the individual's most recent benefit year, less deductible earnings or income, if any. The total amount payable under this section to any individual shall be equal to twenty-six times the individual's weekly benefit amount for the individual's most recent benefit year. The former employer's experience-rating account may not be charged for benefits paid under this section.

An Act to revise certain provisions regarding unemployment insurance benefit eligibility of part-time workers and to provide additional unemployment insurance benefits to workers attending approved training.

I certify that the attached Act originated in the

HOUSE as Bill No. 1018

Chief Clerk

Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1018
File No. _____
Chapter No. _____

Received at this Executive Office this _____ day of _____,

20____ at _____ M.

By _____
for the Governor

The attached Act is hereby approved this _____ day of _____, A.D., 20____

Governor

STATE OF SOUTH DAKOTA,
ss.

Office of the Secretary of State

Filed _____, 20____
at _____ o'clock ____ M.

Secretary of State

By _____
Asst. Secretary of State