

Changes in unemployment insurance legislation in 2002

State enactments include increase of maximum weekly benefit amounts, establishment of special programs, and implementation of alternative base periods; three Federal bills were enacted that affected the Federal-State unemployment insurance program

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The “Economic Growth and Tax Relief Reconciliation Act of 2001” (P.L. 107–16), among other things, affects the unemployment insurance program by reducing the voluntary withholding rate of Federal income taxes on unemployment insurance benefits from 15 percent to 10 percent. The two States needing to amend their laws did so in 2002.

The “Consolidated Appropriations Act, 2001” (P.L. 106–554) requires that States having federally recognized Indian tribes within their borders amend their laws to treat Indian tribes similar to State and local governments. A total of 35 States have federally recognized Indian tribes that require them to enact legislation extending coverage to those tribes. Thirty-three enacted legislation, one has published a permanent rule for comment as well as introduced legislation, and the other has a Federal exemption from tribe coverage requirements.

In 2002, only a few States introduced bills generally following the guidelines set forth in the Birth and Adoption-Unemployment Compensation final rule, effective August 14, 2000, with no enactments.

Three Federal enactments affected the Federal-State unemployment insurance program:

- The “Job Creation and Worker Assistance Act of 2002” (P.L. 107–147 as amended) established the Temporary Extended Unemployment Compensation (TEUC) program. Effective March 10 through May 31, 2003, up to 13 weeks of benefits are available under this program to eligible jobless workers in all States and up to an additional 13 weeks of benefits are available to eligible jobless workers in States with high and rising unemployment; individuals with benefits remaining in their accounts as of May 31, 2003, can receive benefits through August 30, 2003. These benefits and administrative costs are entirely federally financed. The act also provided for a distribution of \$8 billion in Federal unemployment trust funds (a special Reed Act distribution) that can be used for benefits and administration of the unemployment insurance and employment service programs.

- The “Trade Act of 2002” (P.L. 107–210) made a number of changes to the Trade Adjustment Assistance program. Following are key features: includes as eligible workers those directly affected by increased imports or certain shifts of production to other countries, and also includes secondarily affected workers of an upstream supplier or downstream producer to a certified primary firm; provides 26 additional weeks of income support for workers participating in training—the maximum Trade Adjustment Assistance income support period increases from 52 to 78 weeks, which, together with 26 weeks of unemployment insurance could result in a maximum of 104 weeks of income support; provides workers whose training includes remedial education an additional 26 weeks of income support—for a maximum of 130 weeks; provides for an Alternative Trade Adjustment Assistance

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Program for affected workers aged 50 years and older.

- “To Extend the Period of Availability of Unemployment Assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act in the Case of Victims of the Terrorist Attacks of September 11, 2001” (P.L. 107–154) extends unemployment assistance from 26 to 39 weeks for workers who lost their jobs as a direct result of the September 11 terrorist attacks. Under the 1998 Robert T. Stafford Disaster Relief and Emergency Assistance Act, workers in specified disaster areas who are not eligible for regular unemployment

benefits can receive disaster unemployment assistance.

Enactments of State unemployment insurance laws include most States (43) increasing their maximum weekly benefit amounts; nearly half of the States using the Reed Act (March 13, 2002) distribution to help pay for administration of unemployment insurance and/or employment services; and many States expanding coverage to service performed for an Indian tribe.

Following is a summary of some significant changes in State unemployment insurance laws during year 2002.

Alabama

Coverage. The definition of employment includes individuals performing work under the Javits Wagner O’Day Act or a similar set-aside program. The definition of “employer” and “employment” includes service performed for an Indian tribe, resulting in unemployment insurance coverage of such services and exclusion of coverage of certain services. An Indian tribe can either pay contributions or elect to make reimbursements. An Indian tribe or unit that elects to make reimbursements may be required to execute and file a surety bond or deposit money or securities at the discretion of the director. Under certain circumstances, the reimbursement election and coverage will be terminated when a tribe fails to make the required payments; provides for reinstatement when the failure is corrected. Extended benefits not reimbursed by the Federal Government must be financed in their entirety by the Indian tribe.

Financing. Up to 15 percent of Reed Act monies is appropriated to administer the unemployment compensation law and public employment office.

Monetary entitlement. The maximum weekly benefit amount increased from \$190 to \$210 for benefit years beginning on or after July 1, 2002.

California

Financing. A total of \$600 million of Reed Act money must be utilized for the payment of unemployment compensation and for ensuring the solvency of the State’s Unemployment Trust Fund.

Monetary entitlement. The maximum weekly benefit amount increased from \$230

to \$330 for existing claims with unexhausted benefits as of September 11, 2001, and new claims effective beginning on or after September 11, 2001 and prior to January 1, 2002. The maximum weekly benefit amount increases from \$330 to \$370 for new claims effective beginning on or after January 1, 2003, and before January 1, 2004. The maximum weekly benefit amount increases from \$370 to \$410 for new claims effective beginning on or after January 1, 2004, and before January 1, 2005. The maximum weekly benefit amount increases from \$410 to \$450 for new claims effective beginning on or after January 1, 2005.

Colorado

Administration. Electronic technology will be used for notices, appeals, and other communications involving administration of the Colorado Employment Security Act. The Division of Employment and Training has been granted authority to prescribe regulations governing the form and manner of such electronic communications.

Coverage. A for-profit entity that has contracted with a governmental entity is not liable for any benefits to persons sentenced to participate in community or useful public service, but a for-profit is not prohibited from covering such persons under Workers’ Compensation.

Financing. A 20-percent employer tax credit, available if the unemployment compensation fund balance is at least 1–1/10 percent of the total amount of insured wages for the preceding year, is now permanent. Employers who have not filed required reports or paid taxes due, who are negative balance employers, or who reimburse the fund rather than pay contributions are not eligible for the tax credit. The tax credit was

originally applicable only for calendar years 2000 and 2001.

Connecticut

Financing. Nine million dollars of the March 14 Reed Act distribution is appropriated for the use of paying administrative expenses for the administration of the unemployment compensation law and of public employment offices.

Monetary entitlement. An alternative base period is established from January 1, 2003, to December 31, 2005 (for individuals ineligible under the standard base period), consisting of the four most recently completed calendar quarters prior to the individual’s benefit year; for workers’ compensation recipients or individuals properly absent from work due to sickness or disability, the alternate base period consists of the four most recently worked calendar quarters prior to such benefit year; requires the administrator to promptly contact the individual’s employer to obtain wage information for the most recently worked calendar quarter if unavailable from the quarterly reports.

Delaware

Coverage. The terms “employee leasing company,” “professional employment organization,” and “employer client company” are defined. The employer client company, not the employee leasing company, is the employer of leased employees for unemployment insurance tax purposes.

Financing. The North American Industry Classification System, not the Standard Industrial Classification system is used in the determination of average employer

assessments, average industry assessment rates, average construction industry rates, and new employer rates.

Florida

Administration. The Florida Department of Education must develop and maintain a management information system with access to the unemployment insurance wage reports, to collect and report placement information about former students. Disclosure of the individual identities of former students is disallowed. An administrative child support order must provide, if applicable, for withholding of 40 percent of the benefits for payment of support if the noncustodial parent receives unemployment compensation. The Unemployment Appeals Commission has been transferred to the newly created Agency for Workforce Innovation. The Agency for Workforce Innovation will not control, supervise, or direct the Commission in the performance of its powers and duties but will support and assist the Commission in its requirements for the performance of its duties.

The administration of the unemployment compensation program, and any other programs delivered directly by agency staff, rather than through the one-stop delivery system, has been assigned to the Office of Workforce Services.

Coverage. The definition of employment includes service performed for an Indian tribe or tribal unit, resulting in unemployment insurance coverage of such services—effective retroactive to December 21, 2000. An Indian tribe may either pay contributions or elect to make reimbursements. A reimbursing tribe or tribal unit may be required to execute and file a surety bond or deposit money or securities at the discretion of the director. Under certain circumstances, the reimbursement election and coverage are terminated when a tribe fails to make the required payments; provides for reinstatement when failure is corrected. Extended benefits not reimbursed by the Federal Government must be financed in their entirety by the Indian tribe.

Financing. The Revenue Department may release unemployment tax rate information to an employer payroll services agent which provides services for more than 500 employers, pursuant to a Memorandum of Understanding that also states the agent will retain the confidentiality of such information, has power of attorney to obtain such information, and will provide,

upon request, a copy of the employer's power of attorney. The Revenue Department is considered to be administering a revenue law of the State of Florida when such Department provides unemployment compensation tax collection services pursuant to a contract of the department with the agency, and that certain sections of Florida Statutes apply to the collection of unemployment contributions by the Revenue Department unless prohibited by Federal law.

Provisions concerning reporting and payment of taxes on domestic service employees are changed to reflect the following:

- The restriction that employers of domestic service employees pay contributions or report wages other than quarterly on only a limited basis is removed
- All (not certain ones as before) such employers may elect to pay contributions or report wages other than quarterly
- The due date changed from April 1 to January 1 for employers of domestic service employees to report wages and pay taxes annually and the delinquent date changed from April 30 to February 1
- To qualify for the election, the employer must be eligible for a variation from the standard rate
- The furnishing of any wage information must be timely
- Failure to timely furnish wage information when required will (previously may) result in the employer's loss of program election
- The loss of election is effective the calendar quarter immediately following the calendar quarter in which such failure occurred
- The employer is eligible to reapply for annual reporting after 1 complete calendar year has elapsed since the employer's disqualification if the employer timely furnished any requested wage information during the period in which annual reporting was denied.

Georgia

Administration. The State auditor is authorized to conduct audits and disclose confidential information, including unemployment information, for other public purposes including the disclosure to other officers independently entitled to its receipt.

Financing. Employers paying \$1,000 or more for domestic services during a calendar quarter are now required to file tax and wage reports on an annual rather than quarterly

basis. The limitation that contribution rates for rated employers are not to be imposed above the level of 1 percent of statutory contribution rates ends after calendar year 2003. The authority for the governor to suspend the limitation for years 2002 and 2003 remains effective. The rate increase required when the calculated statewide reserve ratio is less than 1.7 percent is suspended for calendar year 2003.

Monetary entitlement. A temporary 18-month alternative base period is implemented (for individuals ineligible under the standard base period) from January 1, 2003, to June 30, 2004, calculated using the last four completed quarters immediately preceding the first day of an individual's benefit year. Reed Act moneys must be used for unemployment benefit payments made using the temporary alternative base period. The weekly "earnings disregard" increased from \$30 to \$50 for claims filed on or after July 1, 2002. Earnings in excess of \$50 must be deducted from the weekly benefit amount; earnings of \$50 or less will not affect benefit entitlement. Jury duty pay is not considered as earnings. The minimum weekly benefit amount increased from \$39 to \$40 for benefit years beginning on or after July 1, 2002. The maximum weekly benefit amount increases from \$284 to \$295 for claims filed on or after July 1, 2002, but before July 1, 2003, and from \$295 to \$300 for claims filed on or after July 1, 2003. The factor to compute the weekly benefit amount has changed: from 1/48 to 1/46 of wages paid to the individual in the highest two quarters of the base period; and from 1/24 to 1/23 of the highest single quarter of the base period wages, if an individual fails to meet the regular qualifying requirements. The provision providing for no increase in the weekly benefit amount when the statewide reserve ratio is less than 1.25 percent is deleted.

Hawaii

Appeals. An appeal may now be filed at the employment security appeals referee's office.

Iowa

Appeals. The recording of oral proceedings of a hearing (before an administrative law judge) in which the decision is not appealed to the board must be filed and maintained for at least 2 years from the decision date.

Illinois

Coverage. An Indian tribe includes any subdivision, subsidiary, or business enterprise wholly owned by an Indian tribe—effective retroactive to December 21, 2000. The definition of employment includes service performed for an Indian tribe, resulting in unemployment insurance coverage of such services and excludes coverage of certain services. An Indian tribe may either pay contributions or elect to make reimbursements. Under certain circumstances, the reimbursement election is terminated when a tribe fails to make the required payments; provides for reinstatement when failure is corrected.

Kansas

Financing. Contributing employers or rated governmental employer's account with respect to their pro rata share of benefit charges is not charged if such charges are \$100 or less.

Monetary entitlement. An alternative base period is established for certain individuals meeting the eligibility conditions when a qualifying injury occurred; alternative base period means the last four completed quarters immediately preceding the date the qualifying injury occurred; wages used in a prior claim are excluded from usage in the alternative base period; qualifying injury means a personal injury by accident arising out of and in the course of employment within the coverage of the Kansas workers' compensation act. An unemployed individual must be eligible for benefits if the claimant is returning to work after a qualifying injury and has been paid total wages for insured work in the claimant's alternative base period of not less than 30 times the claimant's weekly benefit amount and has been paid wages in more than 1 quarter of the claimant's alternative base period and the claimant meets the following requirements:

1. Filed for benefits within 4 weeks of being released to return to work by a licensed and practicing health care provider
2. Files for benefits within 24 months of the date the qualifying injury occurred
3. Attempted to return to work with the employer where the qualifying injury occurred, but the individual's regular work or comparable and suitable work was not available.

Louisiana

Administration. Employment data, obtained under the administration of the Employment Security Law, is specifically authorized to be released to the Governor's Office of Workforce Commission, the Division of Administration, or any contractor working on behalf of either of them, for purposes of compiling statistics which would support performance management and evaluation by program managers of State and Federal programs; which would assist in the preparation of common performance reports across agencies; and provide for education and training research.

Such data is prohibited from use for any purposes other than the statistical purposes for which it is furnished, and such information is confidential and may not be released to the public in a manner that would allow the identity of any individual or employing unit to be inferred by direct or indirect means. The data is to be released on a reimbursable basis. Penalties have been established for violations of those provisions.

Maryland

Monetary entitlement. The maximum weekly benefit amount increased from \$280 to \$310; the "earnings disregard" increased to \$90. The increase in the maximum weekly benefit amount and "earnings disregard" is nullified if, on September 30, 2002, the ratio between the Unemployment Insurance Trust Fund balance and the total taxable wages for the four preceding completed calendar quarters is less than 4.7 percent.

Massachusetts

Coverage. The definition of "employment" includes service performed for an Indian tribe, resulting in unemployment insurance coverage of such services and excludes coverage of certain services—effective as of December 31, 2000. An Indian tribe may either pay contributions or elect to make reimbursements. An Indian tribe that elects to make reimbursement may be required to execute and file a surety bond or deposit money or securities. Under certain circumstances, the reimbursement election is terminated when a tribe fails to make the required payments; provides for reinstatement when failure is corrected. Extended benefits not reimbursed by the Federal Government must be financed in their en-

tirety by the Indian tribe.

Extensions and special programs. The extended benefits program's eligibility conditions are modified to allow the use of more than one method of measuring employment and earnings by requiring individuals to have had 20 weeks of work, or the equivalent in wages (1-1/2 times high quarter wages, or 40 times the weekly benefit amount), effective March 9, 2002.

Financing. Employers meeting certain criteria may pay voluntary contributions that must be paid not later than 30 days after the date a contribution rate notice has been issued or prior to the expiration of 120 days after the start of the calendar year for which the contribution rates are effective, whichever is earlier—effective relative to computation dates occurring not less than 90 days after October 9, 2002.

Benefits will be charged to the solvency account after a separation if a base period employer recalls an employee to work during the benefit year and the employee is separated from such employment within the benefit year for reasons relating to voluntary quit, discharge, or convictions of felony or misdemeanor if such employer had been the employee's most recent employer—effective for claims filed on or after October 6, 2002.

A judgment entered in favor of the applicant and against the commissioner is entered without interest when the court finds that an adjustment or refund of a contribution or payment in lieu of contribution is excessive or has been collected or imposed incorrectly or unlawfully.

The provision requiring that interest imposed on an adjustment or refund of a contribution or payment in lieu of contribution be payable only if such interest is \$10 or more is deleted. The amount of unemployment benefits deducted and withheld for Federal income tax purposes for individuals electing voluntary withholding decreased from 15 percent to 10 percent—effective relative to benefits paid on or after July 1, 2002.

The amount of unemployment benefits deducted and withheld for State income tax purposes for individuals electing voluntary withholding changed from 5.95 percent to the rate of tax imposed under the revenue code—effective relative to benefits paid on or after July 1, 2002.

The commissioner may participate with the commissioner of revenue in a program which permits employing units to file with the department of revenue a consolidated

return which includes unemployment insurance, unemployment health insurance, workforce training, income tax withholding, and wage reporting information, together with the required payment.

The date changed from not later than December 31 to not later than November 30 for determining the total taxable wages required to determine experience rates—effective relative to computation dates occurring not less than 90 days after October 9, 2002. For the calendar year 2003, Table B will be used in determining tax rates. The minimum experience rate is 1.325 percent and the maximum is 7.225 percent effective January 1, 2003.

Michigan

Administration. The Bureau of Worker's and Unemployment Compensation is created within the Department of Consumer and Industry Services; the authority, powers, functions, duties, and responsibilities of the unemployment agency are transferred to such bureau.

Coverage. The definition of employer includes service performed for an Indian tribe or tribal unit, resulting in unemployment insurance coverage of such services—effective retroactive to December 20, 2000. An Indian tribe may either pay contributions or elect to make reimbursements. A reimbursing tribe or unit, meeting certain conditions, must post a security in the form of a surety bond, irrevocable letter of credit, or other banking device or deposit money or securities at the discretion of the director. Under certain circumstances, the reimbursement election is terminated when a tribe fails to make the required payments; provides for reinstatement when the failure is corrected.

Financing. The taxable wage base is reduced to \$9,000 from \$9,500 for calendar years after 2002. Beginning in 2003, the maximum nonchargeable benefits component is reduced to 0.1 percent, 0.09 percent, 0.08 percent, 0.07 percent, and 0.06 percent for employers who have no benefit charges against their account for 5, 6, 7, 8, and 9 years respectively; non-consideration must apply to denied or fraudulent claims for benefits in charges against employers accounts when determining the nonchargeable benefits component. Beginning 2003, the chargeable benefits component increases from 6.0 percent to 6.3 percent. The unemployment agency is authorized to withdraw \$79,500,000 from

the contingency fund for deposit into the general fund on June 30, 2002. Contingency funds in excess of \$15,000,000 must lapse to the unemployment trust fund at the close of the State fiscal year in 2002 and each year after 2002. A base period employer that paid a claimant \$200 or less in wages will be noncharged; the nonchargeable benefits account will be charged.

If benefits for a week of unemployment are charged to two or more base period employers, the share of benefits charged to a contributing employer must be charged to the nonchargeable benefits account if the claimant, during the week, earns remuneration with that employer that equals or exceeds the amount of benefits charged to that employer.

Monetary entitlement. The maximum weekly benefit rate increases from \$300 to \$362 effective on and after April 26, 2002, for all claims in existence. The percentage of base period wages considered in calculating benefit duration increases to 43 percent for benefit years beginning the week after April 26, 2002.

Nonmonetary eligibility. Vacation or holiday pay, retroactive pay, pay in lieu of notice, severance payments, salary continuation, or other remuneration intended by the employing unit as continuing wages or other monetary consideration as the result of the separation, excluding supplementary unemployment benefit payments, are to be considered remuneration in determining whether an individual is unemployed and also in determining benefit payments for the period to which designated by the contract/agreement or current or former employing unit. An individual who left work is presumed to have left work voluntarily without good cause attributable to the employer or employing unit, and has the burden of proof to establish that he or she left work involuntarily or for good cause attributable to the employer or employing unit. An individual will not be disqualified from benefit status if during an established and effective benefit year the individual leaves unsuitable work within 60 days after the beginning of the work. An individual is disqualified from receiving benefits—

- If suspended or discharged for misconduct connected with the individual's work or for intoxication while at work
- For failure, without good cause, to apply for available suitable work after receiving notice of the availability of that work

- For failure, without good cause, while unemployed, to report to the former employer or employing unit within a reasonable time after a notice was provided of the availability of an interview concerning available suitable work with the former employer or employing unit.

The weeks needed to requalify after a disqualification increases from 6 to 13 for—

- Failure without good cause to apply for available suitable work after receiving notice of the availability of that work
- Failure, without good cause while unemployed, to report to the former employer or employing unit within a reasonable time after a notice was provided of the availability of an interview concerning available suitable work with the former employer or employing unit
 - Failure without good cause to accept suitable work offered or to return to customary self-employment
 - Losing a job due to absence from work because of a conviction and sentencing to jail or prison
 - Being discharged due to strike in violation of the collective bargaining agreement resulting in stoppage of work or restriction of or interference with production or a wildcat strike
 - Failure to provide the temporary help firm the required information after completing services for the client.

The weeks needed to requalify after a disqualification increases from 13 to 26 for—

- Being discharged for an act of assault and battery, theft, or willful destruction of property connected with the work
- Committing theft after receiving a layoff or discharge notice resulting in loss or damage to the otherwise chargeable employer
- Being discharged for illegally ingesting, injecting, inhaling or possessing a controlled substance on the premises of the employer, refusing to submit to a drug test
 - Testing positive on a drug test.

For a requalifying week, individuals must earn or receive remuneration equal to at least 1/13 of the minimum amount needed in a calendar quarter of the base period for an individual to qualify for benefits. (Applies to the disqualifications previously mentioned.)

The earnings requirement amount needed to requalify after a disqualification for voluntarily leaving work without good cause attributable to the employer or employing unit changed to 12 times the weekly

benefit rate. (Formerly, the requirement amount was the lesser of 7 times the weekly benefit rate or 40 times the State minimum hourly wage times 7.)

The earnings requirement amount needed to requalify after a disqualification for a suspension or discharge for misconduct connected with the work or for intoxication while at work changed to 17 times the weekly benefit rate. (Formerly, the earnings requirement was the lesser of 7 times the weekly benefit rate or 40 times the State minimum hourly wage times 7.) Benefits are denied to individuals refusing an offer of suitable work at a rate paying at least 70 percent of the gross pay rate received immediately before becoming unemployed. Any base period employer must notify the agency of a possible disqualifying separation due to a voluntary quit within 30 days of the separation in order for a further reconsideration to be made. By October 26, 2002, the unemployment agency must establish and provide access to a secure Internet site, enabling employers to determine whether the agency has received correspondence sent by employers; requires the unemployment agency to post within 10 days on the Internet site a statement confirming receipt of a request for redetermination or a protest from an employer or employing unit. The commissioner is to attempt to recover the amount obtained due to fraudulent improper payments of \$500 or more, and the commissioner may recover damages equal to 4 times the amount.

Minnesota

Administration. The unemployment insurance advisory council must present to the legislature, by January 15, 2003, a report, including proposals for any legislation, on the long-term solvency of the Minnesota unemployment insurance program trust fund.

Coverage. The enactment that wage credits may not be used to determine unemployment insurance eligibility if earned while an individual worked for a private employer performing work under a contract between the employer and an elementary or secondary school and the employment was related to food services provided to the school by the employer will expire December 31, 2004.

Extensions and special programs. A temporary additional benefit program in effect from June 1, 2001, through December

31, 2003, is established for individuals permanently laid off: from the Farmland Food Company in Freeborn county on or after July 8, 2001; by Fingerhut Companies, Inc. on or after January 1, 2002, and worked at one of that employer's facilities in the St. Cloud Eveleth, or Mora areas; or by Northwest, Sun Country, or certain other Airlines or US Airways on or after September 11, 2001, and before June 1, 2002.

An individual is eligible for the temporary additional benefit if: a majority of the applicant's wage credits were with the employer responsible for the layoff; the individual meets the State eligibility requirements; the individual is not subject to disqualification under the State unemployment insurance law; the individual is not entitled to any regular, additional, or extended unemployment benefits for that week and the individual is not entitled to receive unemployment benefits under any other State or Federal law or the law of Canada for that week; and the individual is enrolled in, or has, within the last 2 weeks, successfully completed, a program that qualifies as reemployment assistance training under the State dislocated worker program, except that an individual whose training is scheduled to begin in more than 30 days may be considered to be in training if certain conditions are met.

The temporary additional benefit program provides that exhaustees of regular benefits that qualify for a new regular benefit account must apply for and exhaust the new regular benefits or any other type of unemployment insurance benefits under any State or Federal law; the weekly amount of additional benefits payable is the same as the regular weekly benefit amount, and the maximum weekly additional benefits amount is 13 times the weekly additional amount; and benefits are payable from the unemployment insurance fund.

A special State temporary extended unemployment program in effect from March 10 through December 28, 2002 is established for individuals who:

- Do not qualify for unemployment benefits under the Federal Temporary Extended Unemployment Compensation Act of 2002 because the individuals do not meet the 20 weeks of full-time insured employment or the equivalent in insured wages requirement of that act
- Have established a benefit account effective on or after March 19, 2000, under the same terms and conditions as those that apply to Federal temporary extended un-

employment compensation. Individuals may not receive more than a combined total of 13 times their weekly benefit amount available under the Federal Temporary Extended Unemployment Compensation Act and this provision.

Special State temporary extended unemployment 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.

Financing. The solvency assessment based on the fund balance as of June 30 is discontinued, and a special assessment for interest on Federal loans is imposed if on October 31 interest on any loan from the Federal unemployment trust fund is due the following calendar year. The Commissioner is authorized to determine the appropriate level of the assessment, due the following year, ranging from 2 percent to 8 percent of the quarterly unemployment insurance taxes due necessary to pay the loan interest. At the end of each calendar quarter, any excess assessment, after paying interest on Federal loans or on any loan as of that date that has accrued or will accrue the next calendar quarter, immediately must be paid to the Federal fund. For calendar year 2003, the unemployment insurance base tax rate for employers is 0.38 percent. Of the approximately \$163,000,000 Federal "Reed Act" money transferred under the Temporary Extended Unemployment Compensation Act of 2002, \$12,000,000 is appropriated for unemployment insurance program administration, effective July 1, 2002. The termination of an employee in good faith reliance on information or records obtained in a background study regarding a confirmed conviction does not subject a hospice provider to liability for unemployment benefits.

Mississippi

Coverage. The definition of "employing unit" and "employment" means any Indian tribe, which includes any subdivision, subsidiary or business enterprise, wholly owned by an Indian tribe and includes service performed for an Indian tribe, resulting in unemployment insurance coverage of such services. The definition of "employment" excludes service performed as a member of an Indian tribal council. An Indian tribe may either pay contributions or elect to make reimbursements. A tribal unit must post any bond; and, under certain conditions, the

reimbursement election is terminated for the failure to post bond. Under certain circumstances, the reimbursement election is terminated and coverage may be terminated when a tribe fails to make the required payments; provides for reinstatement when the failure is corrected. Extended benefits not reimbursed by the Federal Government must be financed in their entirety by the Indian tribe.

Nebraska

Coverage. A professional employer organization must report and pay combined tax, penalties, and interest owed on wages earned by worksite employees under the client's employer account number using the client's combined tax rate. The client is liable for such payments if unpaid, and the worksite employees are considered employees of the client for purposes of the Nebraska Employment Security Law.

New Hampshire

Monetary entitlement. The maximum weekly benefit amount increased from \$311 to \$372 and the maximum total amount of benefits payable from \$8,606 to \$9,672.

New Jersey

Extensions and special programs. A State emergency unemployment benefits program has been established. "Emergency unemployment benefits" is defined as benefits financed entirely by the State and paid to exhaustees. The period for which emergency unemployment benefits will be paid is limited to December 30, 2001, and through the earlier of March 9, 2002, or the conclusion of the calendar week in which total expenditures of emergency unemployment benefits chargeable to the unemployment compensation fund statewide first exceed \$100 million, except that emergency unemployment benefits will not be paid during an Extended Benefit period. The "eligibility period" is limited to the weeks in an exhaustee's benefit year that begin in the emergency unemployment benefit period and, if that benefit year ends in the emergency unemployment benefit period, any weeks thereafter that begin in that period. "Exhaustee" is defined as an individual who exhausts all available regular unemployment compensation (including benefits payable to Federal civilian employees and ex-service persons or payable under the combined wage program) during

the period from November 25, 2001, through the end of the emergency unemployment benefit period. Individuals must continue to meet the eligibility requirements for regular unemployment compensation and must not be eligible for any other unemployment benefits (including extended benefits provided for by any federal law) to be eligible for State emergency unemployment benefits. Weekly emergency unemployment benefits will equal the weekly benefit amount of an individual's most recent regular unemployment compensation claim. The maximum emergency unemployment benefits of an individual are limited to 10 times the weekly benefit amount that was payable in the individual's applicable benefit year. Emergency unemployment benefits will not be charged except for out-of-State employers who are liable for charges under the Combined Wage Program, reimbursing employers, and emergency unemployment benefits paid to Federal civilian employees and ex-service persons. The use of appropriate administrative means is required to ensure that emergency unemployment benefits are paid only to individuals who meet the eligibility requirements, including, but not limited to, matching the claimant's Social Security number against available wage records to insure that no earnings were reported for that claimant by employers for periods in which emergency unemployment benefits were paid.

Financing. A new tax table has been established for years beginning on or after July 1, 2002, tied to lower fund reserve ratios. The computation rate for each employer liable to pay contributions has been reduced from January 1, 2002, until June 30, 2002, by a factor of 36 percent; from July 1, 2002, until June 30, 2003, by a factor of 15 percent. The requirement that workers pay contributions to the unemployment compensation fund at 0.1825 percent of wages has been extended until June 30, 2003. Effective on and after July 1, 2003, the rate of worker contributions to the unemployment compensation fund increased to 0.3825 percent of wages. Excess State disability benefit funds will be transferred to the unemployment compensation fund. A refund will be given to any employee who received wages from more than one employer and the sum of whose contributions deposited in the unemployment compensation fund and the health care subsidy fund exceeded 0.3825 percent of the employee's wages if a claim for the refund is made within 2 years after the end of the calendar year the wages were

received. The refunds from either or both funds must be noninterest. The refund of contributions must be in the form of an income tax credit to the employee. The amount transferred from the Health Care Subsidy Fund to the unemployment insurance fund for the first quarter of 2002 is reduced by \$125 million.

Unemployment insurance experience rates for the second quarter of 2002 are reduced by 85 percent (except for employers with reserve ratios of negative 35 percent or lower).

Monetary entitlement. The waiting week is waived for benefit years beginning on or after January 1, 2002.

New York

Coverage. Unemployment insurance coverage includes services performed for an Indian tribe. An Indian tribe may either pay contributions or elect to make reimbursements. Joint and several liability among members of a tribe which elect to make reimbursements as a group is allowed. An Indian tribe that elects to make reimbursements must file a surety bond. Under certain conditions, the reimbursement election is terminated and the industrial commissioner is permitted to terminate coverage when a tribe fails to make the required payments. Two or more Indian tribes are permitted to form a joint account. Extended benefits attributable to service in the employ of an Indian tribe that are not reimbursed by the Federal Government will be financed in their entirety by the Indian tribe. The definition of "employment" includes services rendered for a health care facility, including academic medical centers, by fellow, resident and intern physicians. Professional employer organizations operating in New York must register with the Department of Labor, and standards for registration requirements for such organizations were established. Terms relating to professional employer organizations were defined. Professional employer organizations must pay unemployment taxes. Licensed insurance agents and brokers are excluded from coverage, under certain circumstances, classifying them as independent contractors.

Monetary entitlement. The general account will be charged for benefits for the first 28 effective days of benefits paid to accounts of certain employers who were a claimant's last employer prior to claim filing. Such employers and conditions include:

- Educational institutions and educational service agencies and employees performed professional school services and provided other specific conditions are met

- Educational institutions and educational service agencies and employees performed nonprofessional school services and provided other specific conditions are met, except that if services were not performed for the next academic year or term after reasonable assurance was proved, benefits will be charged to the employer's account for any retroactive payments made to the claimant

- Federal Government and out-of-State non-base period employers, provided other specific conditions are met, except such base period employers will be charged for benefits.

Wages paid to professional and non-professional school employees during the base period by such educational institutions or educational service agencies will not be considered base period wages during periods that such wages may not be used to gain entitlement to benefits. The provision providing that the duration of the proffered employment shall not be taken into account in determining whether the wages, compensation, hours, or conditions offered are substantially less favorable than those prevailing for similar work in the locality is repealed. The provision denying eligibility for the shared work program to those who derive more than 5 percent of their wages from piecework is eliminated. Retroactive claims for such benefits are allowed to those who were denied for the period from October 1, 2001, to December 1, 2001.

North Carolina

Extensions and special programs. The optional total unemployment rate trigger provision to pay extended benefits to exhaustees of regular benefits with respect to benefits for weeks of unemployment beginning after May 1, 2002 has been implemented and:

- The total extended benefit amount payable is the lesser of 50 percent of regular benefits payable or 13 times the weekly benefit amount

- The extended benefit period will begin with the week for which there is an "on" indicator triggered when the average total unemployment rate, seasonally adjusted, for the most recent 3 months for which data for all States are published before the close of such week equals or exceeds 6.5 percent and the average total

unemployment rate for the 3-month period equals or exceeds 110 percent of such average for either or both of the corresponding 3-month periods ending in the 2 preceding calendar years

- There is an "off" indicator for a week only if, for the period consisting of such week and the immediately preceding 12 weeks, the previously mentioned criteria are not met

- For weeks beginning in a high unemployment period, the total extended benefit amount payable is the lesser of 80 percent of regular benefits payable or 20 times the weekly benefit amount

- A high unemployment period is any period during which an extended benefit period would be in effect if the total unemployment rate as mentioned earlier, equals or exceeds 8 percent

- An employer's account of the State's portion of such extended benefits will not be charged under certain conditions.

Oklahoma

Administration. The Commissioner may release unemployment compensation information to—

- Officials, employees, and agents of public housing agencies for purposes of determining eligibility

- An agency of the State or its political subdivisions, or any nonprofit corporation that operates a program or activity designated as a partner in the Workforce Investment Act One-Stop delivery system based on a showing of need made to the Commission and after an agreement concerning the release of information (wage and benefit claim information) is entered into with the entity receiving the information

- The wage record interchange system
- The U.S. Social Security Administration.

Any information obtained in connection with the administration of the employment service may be made available to any agency of the State or its political subdivisions or nonprofit corporation that operates a program or activity designated as a required partner in the Workforce Investment Act One-Stop delivery system in accordance with a written agreement entered into between the partner and the Commission.

Appeals. Appeals may be filed by telephone through the interactive voice response system or by speaking with a claims representative. To be considered timely, an appeal filed by telephone through the

interactive voice response system must be completed by 12 midnight on the date it is due, and an appeal filed by phone through a claims representative must be completed before the end of normal business hours.

Coverage. A tribal unit includes subdivisions, subsidiaries, and business enterprises wholly owned by an Indian tribe—effective July 1, 2002. The definition of employment includes service performed for an Indian tribe, resulting in unemployment insurance coverage of such services and to exclude coverage of certain services. An Indian tribe may either pay contributions or elect to make reimbursements. Under certain circumstances, the reimbursement election and coverage are terminated when a tribe fails to make the required payments; provides for reinstatement and coverage when failure is corrected. Extended benefits not reimbursed by the Federal Government must be financed in their entirety by the Indian tribe.

The exclusion from the definition of employment for service performed for a for-profit corporation by an individual owning 100 percent of the stock of the corporation is eliminated.

Covered employees of a professional employer organization are considered solely the employees of the professional organization, and the professional organization is liable for the payment of contributions, penalties, and interest on wages paid by the professional organization to its covered employees during the term of the applicable professional employer agreement.

Extensions and special programs. A supplemental unemployment benefit plan, under which an employer may make payments to its employees during a temporary layoff that supplement unemployment benefits is established. Under such a plan, an employer must be able to give reasonable assurance that the employee will be able to return to work at the end of the temporary layoff. The purpose of the plan is to allow an employer to keep its workforce intact during a temporary layoff. Any supplemental unemployment benefit plan must be approved by the Director of the Unemployment Insurance Division of the Oklahoma Employment Security Commission. The obsolete extended benefit state "on" and "off" indicators provisions are eliminated. An individual is ineligible for extended benefits unless, in the base period with respect to which the individual exhausted all rights to regular benefits, the

individual was paid wages for insured work of at least 1-½ times the amount of wages during that quarter of the base period in which the wages were the highest.

Financing. An employer's account is noncharged for unemployment benefits if a claim was established utilizing an alternative base period. Reed Act funds may be used for the payment of unemployment benefits or may be appropriated by the Legislature for the administration of the unemployment compensation law and public employment offices in the State.

Monetary entitlement. The exclusion from the definition of wages for payment by an employer on behalf of an employee to a retirement fund shall not include employee contributions or deferrals after December 31, 2002, under a qualified 401(k) plan. Payments made under an approved supplemental unemployment benefit plan are excluded from the definition of wages. An alternative base period is established. If an individual lacks sufficient base period wages of \$1,500 to establish a claim for benefits, any wages paid in the most recent four completed calendar quarters immediately preceding the first day of an individual's benefit year (the alternative base period) will be considered in determining monetary eligibility. With respect to alternative base periods:

- The Commission will accept an affidavit from the individual supported by wage information such as check stubs, deposit slips, or other supporting documentation to determine wages paid if the Commission has not received wage information for the most recent calendar quarter from the employer

- A determination of benefits will be adjusted based on an alternative base period when the quarterly wage report is received, if the wage information in the report differs from that reported by the individual

- If alternative base period wages are established by affidavit, the employer to which the wages are attributed will have the right to protest the wages reported, and the employer must provide documentary evidence of wages paid if such a protest is made

- Wages paid will be determined based on the preponderance of the evidence presented by each party

- Wages used to establish a claim under an alternative base period will not be subsequently used to establish a second benefit year

- Alternative base period provisions are not applicable and no alternative base period will be available in any calendar year in which the balance in the Unemployment Compensation Fund is below a certain level.

The income tax withholding provision changed to provide that the Federal withholding will be deducted at the percentage specified in federal law. If it has been determined that any individual committed fraud in a particular benefit year and in any subsequent benefit year, the individual will be ineligible to receive unemployment compensation for the week in which the subsequent determination is made and for the next following 103 weeks, and no benefit year will be established during such period of ineligibility. The individual will be disqualified for each week benefits were paid as a result of a false statement or representation or a failure to disclose a material fact, and deemed overpaid for the entire amount of benefits paid as a result of claimant fraud. The ineligibility and disqualification are in addition to the penalty imposed by other provisions of Oklahoma law. A determination of fraud must be made within 2 years of the date on which the violation occurred.

Nonmonetary eligibility. No claim for unemployment benefits will be allowed or paid unless the claimant resides within a State or foreign country with which the State of Oklahoma has entered into a reciprocal or cooperative arrangement. If a person is convicted of claim fraud in a particular benefit year, and in any subsequent benefit year again commits such fraud, that person is guilty of a misdemeanor and will be punished by a fine of not less than \$100 nor more than \$1,000, or by imprisonment for not more than 180 days, or by both fine and imprisonment, and that each false statement or representation or failure to disclose a material fact constitutes a separate offense for each week of benefits. Provisions relating to overpayment of unemployment benefits changed such that overpayments are classified in one of three ways with recovery and recoupment to be conducted as follows:

1. **Fraud overpayment.** When an individual intentionally makes a false statement or representation or fails to disclose a material fact, and has received any sum as benefits to which the individual was not entitled, the individual will be liable to repay this sum, plus interest at the rate of 1 percent monthly on the unpaid balance of the overpayment. The interest will cease to accrue

when the total accrued interest equals the amount of the overpayment. If an overpayment is modified, the interest will cease to accrue when the total accrued interest equals the amount of the modified overpayment. The principal sum may be deducted from any future benefits payable to the individual.

2. **Claimant error overpayment.** When an individual, by mistake of law or fact, makes a false statement or representation or fails to disclose a material fact and has received any sum as benefits to which the individual was not entitled, the recovery and recoupment will be identical to that outlined previously in item 1.

3. **Administrative overpayment.** When an individual has received—

- a. Any sum as benefits due to an error by the Commission or an employer, or

- b. Benefits and, under a redetermination or a reversal of a decision on appeal, the individual has been found to be not entitled to benefits, the individual will be liable to have this sum deducted from any future benefits payable to the individual with respect to the benefit year current at the time of the receipt and the next subsequent benefit year that begins within 1 year after the expiration of the benefit year current at the time of the receipt. No interest will accrue on administrative overpayments.

Oregon

Extensions and special programs. A State emergency unemployment benefits program financed by the State and payable to exhaustees during the emergency period from April 7, 2002, to December 28, 2002, has been established. Emergency unemployment benefits are available to individuals beginning with the 14th week following the week for which the individual exhausted regular benefits. To be eligible for emergency unemployment benefits, an individual must: (a) have exhausted regular unemployment benefits, (b) continue to meet the eligibility requirements for regular unemployment benefits under this chapter, (c) have a benefit year which expired after January 5, 2002, and (d) have been paid wages by an employer or employers during the base period of the individual's applicable benefit year in an amount equal to or in excess of 40 times the individual's applicable weekly benefit amount. Weekly emergency unemployment benefit amounts will equal the weekly benefit amount of the individual's most recent regular unemployment benefit claim. The maximum amount of emergency unemployment benefits

receivable is limited to 50 percent of an individual's most recent regular unemployment benefit claim. The emergency weekly benefit amount increased by \$20 each week applicable from March 17, 2002, to October 5, 2002; and the period of the increase was extended to December 28, 2002, if the State was notified on or before October 1, 2002, that Reed Act funds will be distributed to the State, the funds equal or exceed \$23 million, and the State is permitted to use \$23 million or more of the funds for benefit payments. Emergency unemployment benefits will not be paid if the Federal maximum extended benefit amount payable increased to 100 percent of the total amount of regular benefits payable in the applicable benefit year. An employer's account will not be charged for payments of emergency benefits and the benefit increase.

Financing. A new tax rate schedule (Schedule III-K) assigning tax rates from a low of 0.66 percent to a high of 5.40 percent for wages paid during the third and fourth quarters of 2002 is established if the fund adequacy percentage ratio is 170.00 percent, but less than 190 percent. The effectiveness of the new rate schedule for the fourth quarter of 2002 is conditioned on if the State has been notified on or before October 1, 2002, that Reed Act funds will be distributed to the State, those funds equal or exceed \$23 million, and Federal law permits the State to use \$23 million or more of the funds for benefit payments.

Pennsylvania

Appeals. The party's attorneys or other representatives of record must be duly notified of the time and place of a referee's hearing and of the decision and reasons for the decision when an appeal from a determination or revised determination is filed. Referees must conduct their hearing *de novo* (from the beginning). Under certain circumstances, no finding of fact or law, judgment, conclusion, or final order made with respect to a claim for unemployment compensation may be deemed to be conclusive or binding in any separate or subsequent action or proceeding in another forum (collateral estoppel).

Financing. Reimbursable employers must not be charged for benefits paid during a calendar year if the employer satisfies the following requirements:

- Pays a nonrefundable solvency fee within 30 days after notice of the fee is sent

to the employer's last known address and

- Files all required reports for calendar quarters through the second calendar quarter of the preceding calendar year. (Applicable to calendar years beginning after December 31, 2002, and to compensation paid on applications for benefits effective after December 31, 2002.)

"Solvency fee for a calendar year" is defined as the monetary amount determined by multiplying the solvency fee rate for the year by the amount of wages paid, without regard to the exclusion specified in law, by the employer in the four consecutive calendar quarters ending on June 30 of the preceding calendar year; an employer's solvency fee for a year must not be less than \$25.

For calendar years 2003, 2004, and 2005, the solvency fee rate is .0003.

The Secretary must redetermine the solvency fee rate in 2005 so that the unrounded rate yields solvency fees approximately equal to the amount of compensation for which charges are relieved. The Secretary is required to use the amount of compensation (for which charges are relieved) paid during 2003 and 2004 and the amount of wages paid, without regard to the exclusion specified in the law, during the same time period by employers who paid a solvency fee. The redetermined rate must take effect for the next calendar year and remain in effect for 3 years. The Secretary must redetermine the solvency fee rate beginning in 2008 and each fifth year thereafter so that the unrounded rate yields solvency fees approximately equal to the amount of compensation for which charges are relieved. The Secretary must use the amount of compensation (for which charges are relieved) paid during the 5 calendar years immediately preceding the year in which the redetermination occurs and the amount of wages paid, without regard to the exclusion specified in the law, during the same time period by employers who paid a solvency fee. The redetermined rate must take effect for the next calendar year and remain in effect for 5 years.

If the solvency fee rate redetermined as such is not a multiple of 100th of 1 percent, it must be rounded to the next higher multiple of 100th of 1 percent.

Solvency fees paid by employers must be deposited in the unemployment compensation fund. Noncharged benefits must not be used in the calculation of the State adjustment factor.

An employer's account is noncharged for benefits attributable to individuals separated from their most recent work by a

base period employer and disqualified due to discharge or temporary suspension from work for failing to submit and/or pass a drug test.

Nonmonetary eligibility. The provisions with respect to making false statements or representations to obtain or increase compensation have been changed by:

- Increasing the sentence to pay a fine to of not less than \$100 nor more than \$1,000 (formerly \$30 nor more than \$200)
- Providing that in addition to any other sanction, convicted individuals must make restitution of the compensation to which they were not entitled and interest on the compensation in accordance with the State unemployment insurance law
- Changing the penalty weeks to begin within the 4-year period following the end of the benefit year with respect to which the improper payment or payments occurred (formerly within the 2-year period following the departmental determination imposing such penalty weeks).

The provisions with respect to making false statements or representations to prevent or reduce compensation have been changed by:

- Increasing the sentence to pay a fine to of not less than \$100 nor more than \$1,500 (formerly \$50 nor more than \$500).
- Deleting the language requiring sentencing to imprisonment in default of the payment of such fine and costs.
- Providing that in addition to any other sanction, any employer, officer agent or other convicted person for willful failure or refusal to make a payment must make restitution of the unpaid amounts, including interest and penalty from the date the payment was due through the date of payment.

The provision with respect to Violation of Act and Rules and Regulations have been changed by:

- Increasing the sentence to pay a fine to of not less than \$100 nor more than \$1,000 (formerly \$20 nor more than \$200)
- Deleting the language requiring sentencing to imprisonment in default of the payment of such fine and costs.

Unemployed individuals (to requalify for compensation) must earn remuneration for services at least 6 times their weekly benefit rate after being disqualified due to discharge or temporary suspension for failing to submit and/or pass a drug test.

An employee must be ineligible for compensation for any week in which his or her unemployment is due to discharge or temporary suspension due to failure to submit and/or pass a drug test conducted pursuant to an employer's established substance abuse policy, provided that the drug test is not requested or implemented in violation of the law or of a collective bargaining agreement.

An employee will not be eligible for unemployment compensation for any weeks of unemployment while incarcerated after a conviction (applies to compensation for weeks ending on or after December 9, 2002).

The Department must refer all claimants eligible for compensation to employment offices for reemployment services.

Rhode Island

Appeals. The number of days any interested party has to file a petition for judicial review from a board of review decision changed from 15 to 30.

Extensions and special programs. Maximum allowable duration of unemployment compensation paid under a worksharing plan extended from 26 to 52 weeks.

South Carolina

Appeals. The claimant's last or separating employer and any employer whose account may be affected by the adjudication of the claim may file an appeal from an initial determination, redetermination or subsequent determination.

Coverage. Unemployment insurance coverage includes services performed for an Indian tribe. An Indian tribe may either pay contributions or elect to make reimbursements. Under certain conditions, the reimbursement election is terminated when a tribe fails to make the required payments. The definition of "employment" now exempts any appointed successor to an elected official. The requirement that requests for certain information on covered employers and benefit recipients from certain entities must be in writing has been clarified.

Financing. Employers with 250 or more employees must report wages electronically beginning in 2003 and employers with 100 or more employees must do so beginning in 2005. New employers are experience rated after 12 (rather than 24) consecutive months of coverage. The delinquent employer rate is

lowered from 5.4 percent to 2.64 percent (delinquent employer pays higher of 2.64 percent or experience rate). The successor employer rating period expanded from 1 quarter to 1 year.

Monetary entitlement. A person who received benefits in another State to which not entitled must pay the overpayments if both States entered into an interstate reciprocal overpayment recovery agreement. Circumstances under which the commission may waive repayment of overpayments if written request is submitted within the statutory appeal period were established.

Nonmonetary eligibility. The commission is allowed to establish a penalty in cases of fraudulent misrepresentation for an amount not less than 2 times the weekly benefit amount and not more than the maximum benefit payable in a benefit year. The deduction of such penalty from unemployment benefits to which a claimant is entitled to in the present, next, or both benefit years is permitted. The recoupment or recovery enforcement is limited to 5 years from final determination.

South Dakota

Coverage. The definition of "employment" includes service performed for an Indian tribe, resulting in unemployment insurance coverage of such services and excludes coverage of certain services. An Indian tribe may either pay contributions or elect to make reimbursements. An Indian tribe that elects to make reimbursements may be required to execute and file a surety bond or deposit money or securities. Under certain circumstances, the reimbursement election and coverage is terminated when a tribe fails to make the required payments; provides for reinstatement when failure is corrected. Extended benefits not reimbursed by the Federal Government must be financed in their entirety by the Indian tribe.

Vermont

Administration. The Department of Employment and Training must study the unemployment contribution system by—

- Reviewing the effectiveness of the experience rating system in associating cost with contribution rates and the distribution of cost by industry and employer size
- Reviewing the adequacy standard

inherent in the system to determine whether it leads to an appropriate trust fund balance

- Examining employers who elect to make payments in lieu of contributions. Requires such department in developing its recommendation to consult with any interested party, including the Vermont State Labor Council, Associated Industries of Vermont, Vermont State Chamber of Commerce, Vermont Retail Association and Associated General contractors.

Extensions and special programs. An additional weekly benefit of \$18 per individual from July 1, 2002, through June 30, 2003, will be paid to eligible claimants. The total amount of such benefits is limited to \$6 million. Each additional benefit payment must be identified as a temporary unemployment benefit supplement. A total of 13 weeks of additional unemployment compensation will be paid to eligible individuals who exhausted rights to regular unemployment compensation after March 15, 2001, and who do not qualify for temporary extended unemployment compensation solely because of the requirement in Federal law that an individual have 20 weeks of full-time insured employment or the equivalent in insured wages in the base period.

Financing. Employers received an unemployment insurance tax credit when their contributions were reduced for the first three calendar quarters beginning on July 1, 2001, by the difference between the payments made under the tax schedule in effect and the payments that would have been made under a lower tax rate schedule; such additional credits must be paid until the end of the quarter in which the credits paid exceed \$7.5 million.

Monetary entitlement. The maximum weekly benefit amount increases from \$298 to \$312 from July 1, 2001, through June 30, 2002, and from \$312 to \$351 from July 1, 2002, through June 30, 2003.

Virginia

Monetary entitlement. Requires that eligible individuals be paid benefits at the new weekly benefit amounts retroactively to September 9, 2001, for claimants establishing a benefit year as of that date and expiring January 1, 2003—the minimum weekly benefit amount is \$69 and the maximum benefit amount is \$368; for claimants establishing a benefit year on or after January 1, 2003, but before January

1, 2004—the minimum benefit rate is \$59 and the maximum benefit rate is \$318; and for claimants establishing a benefit year on or after January 1, 2004—the minimum benefit rate is \$50 and the maximum benefit rate is \$263 (amounts in effect prior to September 9, 2001).

Washington

Financing. Benefits are noncharged for individuals who qualify for unemployment benefits under the voluntary leaving provision for domestic violence or stalking.

Nonmonetary eligibility. An individual has not left work voluntarily without good cause when the separation was necessary to protect the claimant or the claimant's immediate family members from domestic violence or stalking. An evaluation of suitable work must consider the individual's need to address the physical, psychological, legal, and other effect of domestic violence or stalking for those individuals who qualified for unemployment benefits under the voluntary leaving provision for domestic violence or stalking. Individuals who qualify for unemployment benefits under the voluntary leaving provision for domestic violence or stalking are excluded

from the requirement to actively engage or provide evidence in seeking work.

West Virginia

Coverage. Employment excludes service performed in the employ of a governmental entity as an election official appointed to serve during any municipal, county, or State election.

Wisconsin

Extensions and special programs. The Wisconsin supplemental benefits program is suspended until on or after January 26, 2003. A temporary supplemental unemployment insurance benefits program is created providing that—

- From March 3, 2002, to December 28, 2002, individuals may be eligible to receive temporary supplemental benefits if that week is in the individual's eligibility period, the individual's benefit year was established on or after March 11, 2001, the individual is an exhaustee, and the individual is not disqualified and has satisfied the other requirements regarding the payment of regular benefits

- The weekly temporary supplemental rate payable is the same as for regular benefits
- The maximum entitlement is limited to the lesser of 50 percent of regular benefits or 8 times the temporary supplemental benefits rate
- Provisions for regular benefits apply to temporary supplemental benefits
- Temporary supplemental benefits will be charged to the fund's balancing account.

Financing. The same rate schedule in effect for calendar year 2002 will be in effect for calendar year 2003. The first \$2,389,107 of fiscal year 2002 Reed Act moneys are authorized to be used for administration of unemployment insurance.

Wyoming

Financing. The taxable wage base increases from \$14,100 to \$14,700 for calendar year 2003 only. The assigned base rate reduces by 25 percent for calendar year 2003.

Monetary entitlement. The waiting week is eliminated for 2 years for initial or additional claims filed between July 1, 2002, and June 30, 2004. □