

# HIGHLIGHTS OF STATE UNEMPLOYMENT COMPENSATION LAWS



## 2015

Prepared By



UWC - Strategic Services on Unemployment & Workers' Compensation

Published By



National Foundation for Unemployment Compensation & Workers' Compensation



# **HIGHLIGHTS OF STATE UNEMPLOYMENT COMPENSATION LAWS**

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**2015**

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**Cover photograph: California State Capitol**

# PREFACE

This is the thirty-fourth edition of Highlights of State Unemployment Compensation Laws. It reflects hundreds of changes occasioned by legislative enactments during 2014 and 2015.

As the title suggests, only selected features are included. No attempt is made to reflect every detail of each state unemployment compensation law. Only those provisions most useful to corporate personnel, service companies, associations, legislators, accounting firms, and administrators are presented. By design, the format

and narrative are as concise and nontechnical as the subject matter permits.

We believe Highlights is a readable reference that will prove timely and useful.

The Highlights of State Unemployment Compensation Laws is updated and republished annually.

## ABOUT UWC AND THE NATIONAL FOUNDATION

UWC — Strategic Services on Unemployment & Workers' Compensation is the only national business organization devoted exclusively to representing employers before public policymakers on unemployment and workers' compensation issues.

UWC established the National Foundation for Unemployment Compensation and Workers' Compensation in 1984. The Foundation is engaged in research and educational activities involving current and emerging issues in unemployment compensation and workers' compensation. On the premise that facts, figures and logic are essential to the development of an enlightened public policy, the Foundation endeavors to make its findings available to a broad spectrum of individuals having an interest in the two programs.

If you would like more information about UWC and the National Foundation for Unemployment Compensation & Workers' Compensation, we welcome your inquiry.

### **Douglas J. Holmes, President**

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# OVERVIEW

Since the Social Security Act (1935) was signed into law by President Franklin D. Roosevelt, the unemployment compensation program has been one of America's most successful social insurance programs. Its major objective is to provide unemployed workers the means of getting through a temporary period of involuntary unemployment without having to turn to welfare and without having to face a means test. The unemployment compensation program has also served the business community by releasing money into circulation at the outset of a local or national economic downturn, thus helping to slow down recessionary pressures.

## **Structure**

Both the federal and state governments have important responsibilities within the unemployment compensation program, which is administered pursuant to state law. Each of the 50 states, the District of Columbia, the Commonwealth of Puerto Rico and the Virgin Islands maintains complete, self-contained unemployment compensation programs administered by state employees. Each state law prescribes the tax structure, qualifying requirements, benefit levels and disqualification provisions.

State law must, however, conform to federal requirements. The Federal Unemployment Tax Act (FUTA) imposes an unemployment (payroll) tax but allows employers an offset against the federal tax if they are paying taxes/contributions under an approved state unemployment compensation law. It is the responsibility of the federal government, carried out by the U.S. Department of labor, to ensure that state laws meet all the requirements necessary for approval. If a state's law fails to conform to these requirements, the state's employers could lose their offset credit.

The federal requirements, which have proliferated in recent years, were originally intended to cover the areas where uniformity was considered essential. For example, federal law requires the immediate deposit of all state collected unemployment compensation taxes into the U.S. treasury, where each state maintains an account in the Federal Unemployment Trust Fund. Funds from these accounts are payable upon demand and may be withdrawn, with certain limited exceptions, only for the purpose of paying unemployment benefits.

A second federal requirement permits states to reduce tax rates for employers on the basis of their experience with unemployment. This experience-rating standard has had an important influence on the program.

More recent federal requirements touch areas where the need for uniformity is questionable. For instance, one standard requires that all states deny benefits to

professional athletes during the off-season if they have contracts to work during the next season. Another standard addresses the circumstances under which benefits must be paid or denied to school employees during the break between terms.

A significant standard, enacted in 1970, requires state participation in the Federal-State Extended Unemployment Compensation Program. This program provides an extension of benefits for up to 13 or 20 weeks in a state when unemployment reaches prescribed levels. Extended benefits are normally financed on a 50-50 federal-state basis. The American Recovery and Reinvestment Act (ARRA) of 2009 and amendments to it provided for 100% Federal funding of extended benefits (EB) for weeks of unemployment on a temporary basis, except that the 100% Federal funding of EB did not apply to the payment of benefits to claimants unemployed from political subdivisions who reimburse in lieu of paying premiums. It also did not apply to those unemployed from Indian tribes.

The federal government is also responsible for financing federal and state administrative costs for the unemployment compensation program and must ensure that funds granted to the states for administration are expended properly and efficiently. In carrying out this responsibility, the U.S. Department of labor exercises some control over state administrative activities.

## **Coverage**

With the exception of workers on small farms and a number of minor categories of services, unemployment insurance coverage is practically universal in the United States. It extends to about 97 percent of the wage and salary workforce.

Coverage provisions in state laws have been dictated largely by federal law for two reasons. First, an employer can avoid paying the full federal tax only if such employer pays taxes under an approved state unemployment insurance program. Second, federal law explicitly requires states to cover the employees of three important categories of employers — nonprofit organizations, governmental entities and federally recognized tribes — even though these entities are not subject to pay the Federal Unemployment Tax (FUTA).

Within federal coverage requirements, however, there is room for state differences in definitions of "employer" and "employment" and in the criteria used for determining the existence of an employer-employee relationship. There are also differences among states in the kinds of services that remain excluded.



## **Financing**

The unemployment compensation program is financed almost entirely from employer taxes. Alaska and New Jersey also tax employees, and Pennsylvania requires employee contributions under certain conditions. Effective July 1, 2011, the federal tax is 6.0% of the first \$7,000 in wages paid to each employee. Employers receive credit of up to 5.4% for the taxes they pay under state unemployment compensation laws. The net tax (0.6%) collected by the federal government is used to finance state and federal administrative costs, the normal federal 50% share of extended benefits, and a loan fund for states that exhaust their funds available to pay benefits.

At the state level, benefits are financed from state-collected employer taxes which, though deposited in the U.S. treasury, are always available to the state for benefit purposes. In many states, the level of the fund account determines the annual tax schedule. Each tax schedule usually contains an array of tax rates aimed at keeping the state fund solvent. When the state fund is low, a schedule containing relatively higher rates is usually in effect.

Each employer is assigned a particular tax rate based on its experience with unemployment. Experience is measured by the state's experience-rating system. Most states use the reserve ratio system. The amount of benefits charged to an employer is deducted from the amount of taxes it paid. The balance is divided by the employer's payroll to determine the significance of the balance in relation to the employer's potential liability for benefits. This ratio provides a basis for establishing an employer's experience.

Benefits are charged to an employer's account when wages earned from the employer are used to determine a claimant's qualification for benefits. In the majority of states, when an individual has had more than one employer, benefits charged each employer are proportional to the wages each employer paid the claimant. A few states charge the claimant's last employer up to a limit and then each preceding employer. Other states charge only the last employer.

State laws provide a variety of circumstances under which employers may be relieved of benefit charges. The most common provision omits charging for benefits paid claimants after they serve a disqualification for voluntarily leaving work without good cause or discharge for misconduct connected with the work.

Many state laws also provide for additional taxes to cover various costs, including non-charged benefits, benefits not fully financed because the employer is already at the maximum tax rate or has gone out of business, interest on loans from the federal government, and payments to retire indebtedness or to cover administrative costs for which federal financing is not available or is inadequate.

As a result of the great Recession of 2008-2009, a

number of states depleted state unemployment trust fund accounts and have large outstanding federal loans. Until the loans are repaid, federal unemployment taxes (FUTA) will automatically increase. In 2014, the FUTA tax paid by employers in 8 states was automatically increased due to continued loan balances. The number of states impacted by FUTA tax increases is projected to be as many as 7 in 2015.

## **Qualifying Requirements**

Except for the provisions necessary to conform with federal law, provisions of state unemployment compensation laws vary greatly. The generally accepted objective of the qualifying requirement is to distribute benefits only to individuals with a reasonably firm attachment to the labor force. Attachment is measured during the claimant's base period, a 12-month period in the recent past.

In some states, the qualifying requirement is stated as a number of weeks of work during which the claimant earned at least a minimum amount. In others, it is a multiple of the claimant's high quarter (the quarter in which the claimant's earnings were highest). A 1½ multiple, for example, means that a claimant with \$12,000 in his or her high quarter will need a total of \$18,000 in base period wages to qualify.

The requirements to qualify for the maximum potential duration of benefits vary from state to state and are difficult to compare, as minimum benefit amounts and benefit duration also vary.

## **Benefits**

The generally accepted objective of the weekly benefit amount is to provide a wage replacement that is high enough to cover the claimant's non-deferrable expenses, but not so high as to undermine his or her incentive to return to work. Usually, this translates into a weekly benefit equal to about 50 percent of the claimant's normal weekly wage. In some states, the weekly benefit is computed as 50 percent of the claimant's average weekly wage. In some states, it is computed as a fraction of the claimant's high-quarter wage. A 1/26 fraction (the most common) will yield a 50 percent wage replacement to a claimant who worked all 13 weeks of his or her high quarter.

All states provide a maximum, or ceiling, on the weekly amount payable to any claimant. In some states, the maximum is indexed to a percentage of the statewide average weekly wage (SAWW). All states provide a potential duration expressed as a number of weeks. Most states provide up to a maximum of 26 weeks and two states provide more. In response to the need for improved solvency, a number of states have reduced the maximum number of weeks to 20 or fewer, depending on the total unemployment rate in those states. In most states, however, benefit duration depends on the claimant's base



period work and wages. In the majority of states, duration is computed as a fraction ranging from 1/4 to 3/5 of base period wages up to the maximum amount, usually 26 times the weekly benefit amount. The number of weeks of eligibility is determined by taking, for example, 1/3 of the claimant's base period wages and dividing the result by his or her weekly benefit amount.

### ***Eligibility and Disqualifications***

It has been generally accepted that individuals must be able to work, available for work and seeking work as a requirement of being paid unemployment compensation, however, in the "Middle Class Tax Relief and Job Creation Act of 2012" Congress enacted federal statutory language expressly requiring state laws to provide that claimants must be "able to work, available to work, and actively seeking work" as a condition of eligibility to be paid. This statutory requirement is more rigorous than the requirements in many states and now becomes the standard for all state UI laws. A claimant may not refuse, without good cause, an offer or referral to suitable work without being disqualified from benefits.

All states disqualify claimants who voluntarily quit without good cause, are discharged for misconduct, or refuse an offer of suitable work without good cause. The definitions of key terms such as "good cause," "misconduct," and "suitable work" differ from one jurisdiction to another.

The effect of state disqualification provisions varies widely. For voluntarily quitting without good cause, one state may postpone benefits for a specific number of weeks. Another state may postpone benefits and also reduce the claimant's benefit entitlement by the duration of weeks postponed.

After an initial disqualification, many states deny benefits for the duration of the claimant's unemployment and require requalification through work in a subsequent job for a minimum period before being separated for non-disqualifying reasons. This subsequent work requirement is now the most common duration penalty.

In 2011, 2012, 2013 and 2014, Congress enacted significant acts impacting federal and state unemployment compensation: The Trade Adjustment Assistance Extension Act of 2011, The Temporary Payroll Tax Cut Continuation Act of 2011, The Middle Class Tax Relief Job Creation Act of 2012, the American Taxpayer Relief Act of 2012, and the Tax Increase Prevention Act of 2014. A review of the primary provisions of these acts affecting unemployment compensation is provided on pages 150 - 153 of this book.

# COVERAGE

Employers liable for taxes and workers with unemployment insurance protection are identified by the states' definitions of "employer" and "employment."

State definitions are governed by federal law definitions. An employer subject to the Federal Unemployment Tax Act (FUTA) must also be subject to state law to claim credit against the federal tax. Under most state laws, "employer" automatically includes any employing unit liable under the FUTA. The FUTA generally applies to employers with a quarterly payroll of \$1,500 or more in the current or preceding calendar year, or with at least one worker on at least one day in each of 20 weeks during the current or preceding calendar year.

In the case of agricultural labor, FUTA applies to employers who paid wages in cash of \$20,000 or more for agricultural labor in any calendar quarter of the current or preceding calendar year, or who employed 10 or more workers on at least one day in each of 20 different weeks in the current or preceding calendar year. Domestic service in a private home, local college club, or local chapter of a college fraternity or sorority is subject to the FUTA with respect to any employer who, during any calendar quarter in the current or preceding calendar year, paid wages in cash of \$1,000 or more for domestic service.

Three categories of employers are not subject to the FUTA but their employees are covered for benefit eligibility by states because of specific federal requirements. State coverage of federally recognized

Indian tribes, as well as employees of most nonprofit organizations and governmental entities is a federal conformity requirement, with which compliance is necessary for any employer in the state to be eligible for credit against the federal tax. Not all services performed for these entities must be covered. All states except Hawaii exclude elected officials from coverage, and most states also exclude election workers who receive less than \$1,000 in a calendar year; members of the National Guard; emergency employees serving on a temporary basis in case of fire, storm or other immediate disaster; and employees of a religious organization.

Some states apply a stricter definition of employment than the FUTA in determining an employment relationship. This stricter definition provides that service for remuneration is not considered employment unless it meets each of three tests: (A) freedom of the individual from direction and control over performance; (B) service is performed outside the usual course of the business for which it is performed or is outside of all places of such business; and (C) the individual is customarily engaged in an independent trade, occupation, profession or business. In some states only one or two of the tests apply. Other states apply the common law master-servant relationship, rather than the above "ABC" test, as the determinant of coverage. Still, other states apply a contract of hire, written or oral, expressed or implied, as the determinant.

States with exceptions to the FUTA definitions are listed below.

**Table 1 - DEFINITIONS OF "EMPLOYER"**  
STATE EXCEPTIONS TO DEFINITIONS UNDER FUTA

State (1)	Agriculture 10 employees in 20 wks. or \$20,000 cash remuneration in a cal. qtr., except: (2)	Domestic \$1,000 cash remuneration in a cal. qtr., except: (3)	Nonprofit 4 employees in 20 weeks except: (4)	Other Employers 1 or more employees in 20 weeks or \$1,500 in a cal. qtr., except: (5)
Alaska <sup>4</sup>			1 or more if any time payroll is at least \$250 in cal. qtr.	Any time
Arkansas <sup>1</sup>			1 or more for 10 days	10 days at any amount
California	1 or more at any time with wages in excess of \$100 in a cal. qtr. <sup>1</sup>		1 or more at any time with wages in excess of \$100 in a cal. qtr. <sup>1</sup>	1 or more at any time with wages in excess of \$100 in a cal. qtr. <sup>1</sup>
Colorado		\$1,000 in a cal. year		
Connecticut			1 in 13 weeks	
Delaware				
D.C.	No limitation	\$500 in cal. qtr.	1	Any time
Florida	5 in 20 weeks or \$10,000 in cal. qtr.	X <sup>2</sup>		

**Table 1 - DEFINITIONS OF “EMPLOYER”**  
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State (1)	Agriculture 10 employees in 20 wks. or \$20,000 cash remuneration in a cal. qtr., except: (2)	Domestic \$1,000 cash remuneration in a cal. qtr., except: (3)	Nonprofit 4 employees in 20 weeks except: (4)	Other Employers 1 or more employees in 20 weeks or \$1,500 in a cal. qtr., except: (5)
Georgia				
Hawaii			1 employee with any dollar amount	
Idaho			1	
Illinois				X <sup>3</sup>
Indiana				X <sup>9</sup>
Iowa			1	
Maine	X <sup>1</sup>	X <sup>1</sup>		X <sup>1</sup>
Maryland			1	Any time
Massachusetts			1 in 13 weeks	13 weeks
Michigan			1	\$1,000 in cal. year
Minnesota	4 in 20 weeks or \$20,000 in cal. qtr. <sup>1</sup>	X <sup>1</sup>	1	Upon payment of first wages
Mississippi <sup>4</sup>				
Montana			\$1,000 in cal. year	\$1,000 in cal. year
Nebraska <sup>7</sup>				
Nevada				\$225 in qtr.
New Hampshire	X <sup>5</sup>		1	
New Jersey			1	\$1,000 in year
New Mexico			1	\$450 in qtr.
New York		\$500 in cal. qtr.	4 in 20 weeks or \$1,000 in qtr.	\$300 in qtr. <sup>1</sup>
Oklahoma	X	X	X	X
Oregon			18 weeks or \$1,000 in qtr.	18 weeks or \$1,000 in qtr.
Pennsylvania			1	Any time
Puerto Rico	1 or more at any time		1	Any time
Rhode Island	1 or more at any time			
Texas	3 or more in 20 weeks or \$6,250 cash remuneration in cal. qtr. <sup>6</sup>			
Utah	X	X	\$1 in any qtr.	\$1 in any qtr.
Virginia	X <sup>1</sup>	X <sup>1</sup>		X <sup>1</sup>
Virgin Islands	1 or more at any time	\$500 in cal. qtr.	1	Any time
Washington <sup>7</sup>	1 or more at any time	\$1,000 in cal. qtr. <sup>1</sup>	1	Any time <sup>7</sup>
Wyoming	X	X	X	Any time <sup>8</sup>

## FOOTNOTES FOR TABLE 1

- Arkansas, California, Maine, Minnesota, New York, Virginia, Washington:** includes remuneration other than cash.
- Florida:** includes domestic service (effective after 12/31/97), performed by maids, cooks, maintenance workers, chauffeurs, social secretaries, caretakers, private yacht crews, butlers, and houseparents.
- Illinois:** talent agency is not the employer of the talent that it provides to other employing units.
- Alaska and Mississippi:** for unemployment insurance purposes, the client of an employee leasing company is the

## FOOTNOTES FOR TABLE 1

employer. In Alaska, this provision also includes PEO and staffing companies. **Michigan:** for unemployment insurance purposes in Michigan, the client of an employee leasing company (professional employer organization) is the employer for reporting of wages and for experience-rating purposes.

5. **New Hampshire:** elective, unless subject to FUTA.
6. **Texas:** includes (a) labor performed by a seasonal worker on a truck farm, orchard or vineyard; (b) labor performed by a migrant worker; and (c) labor performed by a seasonal worker doing the same work at the same time and location as a migrant worker.
7. **Nebraska and Washington:** for unemployment insurance purposes, the client of a PEO is the employer.
8. **Wyoming:** "employer" is any employing unit for which a worker performs service.
9. **Indiana:** after December 31, 2014, "employer" means either of the following: 1) an employing unit that has incurred liability for wages payable to one (1) or more individuals, or 2) an employing unit that in any calendar quarter during the current or preceding calendar year paid for service in employment wages of one dollar or more, except as provided in section 2(e), 2(h), and 2(i) of this chapter.

## TABLE 2 - MAJOR EMPLOYMENT EXCLUSIONS

The following services are most commonly excluded by the States<sup>9</sup> and FUTA—

**Self-employment:** All states except CA.

**Student:** Service for a school, college or university by a student enrolled and regularly attending classes therein: all states, except fellow resident and intern physicians rendering services for a health care facility, including academic medical centers, in New York.

**Work-study:** Service by a student (under age 22 in some states) enrolled at a nonprofit or public educational institution in a full-time work-study program, except a program established for an employer or group of employers: all states except HI, ME.

**Relatives:** Service for relatives performed by an individual in the employ of his son, daughter or spouse (spouse of sole proprietor only in NY) or by a child (under age 18 or 21 in most states) in the employ of a parent: all states except NH.

**Railroad workers:** All states either have specific exclusions, or exclude because such service is covered under Railroad UI act.

### **OTHER COMMON SPECIFIC EXAMPLES OF EXCLUSIONS IN STATE LAW**

(see footnotes for more complete description of exclusions)

State	Patients for Hospitals <sup>1</sup>	Agents on Insurance	Commission <sup>2</sup> Real Estate	Casual Labor <sup>3</sup>	Part-time for Non- profits <sup>4</sup>	Spouse of Students <sup>5</sup>	Newspaper Distributors <sup>6</sup>	Commercial Fishing <sup>7</sup>	Student Nurses, Interns <sup>8</sup>
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
Alabama	X	X	X	X		X	X <sup>6</sup>	X	X
Alaska <sup>6</sup>	X	X	X	X	X <sup>4</sup>		X	X <sup>7</sup>	X
Arizona	X	X	X	X	X	X	X		X
Arkansas <sup>10</sup>	X	X	X	X	X		X	X	X
California <sup>9</sup>	X	X <sup>2</sup>	X <sup>2</sup>			X	X		X
Colorado <sup>13</sup>	X	X <sup>2</sup>	X <sup>2</sup>	X	X	X	X		
Connecticut	X	X	X	X	X	X			X
Delaware	X	X	X						
Florida	X	X	X	X <sup>3</sup>	X		X <sup>6</sup>	X	X
Georgia	X	X	X	X		X	X <sup>6</sup>	X <sup>7</sup>	X
Hawaii		X	X	X			X <sup>6</sup>	X	X
Idaho	X	X	X	X			X		X
Illinois <sup>6</sup>	X	X	X		X	X	X		X
Indiana	X	X	X	X	X	X	X		X
Iowa	X		X			X			
Kansas	X	X	X	X	X		X		
Kentucky	X	X	X	X	X	X	X		X
Louisiana		X	X	X			X	X <sup>7</sup>	X
Maine	X	X	X		X <sup>4</sup>		X	X	X
Maryland <sup>9</sup>	X	X	X	X		X	X	X	X
Massachusetts <sup>9</sup>	X	X	X	X	X	X	X	X <sup>7</sup>	X
Michigan <sup>9</sup>	X	X	X		X	X	X <sup>6</sup>		
Minnesota		X	X	X			X		
Mississippi	X	X	X <sup>2</sup>	X <sup>3</sup>		X			X
Missouri		X	X			X	X <sup>6</sup>		X
Montana <sup>16</sup>	X	X	X	X		X	X		X
Nebraska	X	X	X	X	X	X	X		X
Nevada	X	X	X			X	X <sup>6</sup>		

## OTHER COMMON SPECIFIC EXAMPLES OF EXCLUSIONS IN STATE LAW

(see footnotes for more complete description of exclusions)

State	Patients for Hospitals <sup>1</sup>	Agents on Insurance Commission <sup>2</sup>	Real Estate Casual Labor <sup>3</sup>	Part-time for Non- profits <sup>4</sup>	Spouse of Students <sup>5</sup>	Newspaper Distributors <sup>6</sup>	Commercial Fishing <sup>7</sup>	Student Nurses, Interns <sup>8</sup>	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
New Hampshire <sup>9,19</sup>	X	X	X	X		X	X <sup>6</sup>	X	X
New Jersey <sup>9</sup>	X	X	X			X			X
New Mexico <sup>11</sup>	X	X	X				X		
New York <sup>9</sup>		X <sup>21</sup>	X <sup>21</sup>	X <sup>3</sup>		X			
North Carolina	X	X	X	X <sup>3</sup>	X	X	X <sup>6</sup>	X	
North Dakota <sup>15</sup>	X	X	X	X	X	X			X
Ohio	X	X		X	X		X <sup>6</sup>		X
Oklahoma	X	X	X			X	X <sup>6</sup>		X
Oregon	X	X	X			X	X	X	X
Pennsylvania	X	X	X	X		X	X <sup>6</sup>		X
Puerto Rico	X		X	X					
Rhode Island	X	X	X	X	X			X <sup>7</sup>	
South Carolina <sup>9</sup>	X	X	X	X	X	X		X	X
South Dakota	X	X			X	X	X <sup>6</sup>		X
Tennessee <sup>14</sup>	X	X	X			X	X	X <sup>7</sup>	
Texas <sup>9,20</sup>	X	X	X				X <sup>6</sup>		X
Utah	X	X	X	X	X	X	X		X
Vermont <sup>12</sup>	X	X	X	X	X		X	X	
Virginia	X	X	X	X	X		X	X	X
Virgin Islands	X		X	X		X		X	
Washington <sup>9,17</sup>	X	X	X	X		X	X <sup>6</sup>	X <sup>7</sup>	
West Virginia <sup>9,11</sup>	X	X				X	X		
Wisconsin <sup>9</sup>	X	X	X		X	X	X <sup>6</sup>	X	X
Wyoming	X		X	X <sup>3</sup>		X	X <sup>6</sup>		

## FOOTNOTES FOR TABLE 2

1. Service in employ of a hospital if performed by a patient of such hospital.
2. Service as insurance or real estate agents compensated solely by commission. **California:** requires license to perform the services; substantially all payments are directly related to sales; and services are performed pursuant to written contract stating agent is not an employee for state tax purposes. **Colorado:** requires written contract stating agent is not an employee for federal tax purposes. **Mississippi:** applies only to commission sales.
3. Service not in course of employer's trade or business, unless remuneration is more than \$50 and performed by an individual regularly employed by such employer to perform such service. **Florida:** 200 hours. **Mississippi, North Carolina:** service not in course of employer's trade or business (regardless of dollar amount or hours worked). **New York:** individuals under the age of 21 who preform casual services consisting of yard work & household chores about a residence. Exclusion does apply when services are performed for Indian tribes, non-profit, other than those as defined in 563.1, or government entities. **Wyoming:** casual labor is service not within the normal course of business, and for which the remuneration paid is less than \$50.
4. Services performed for any organization exempt from income tax under section 501(a) of the internal Revenue Code (other than an organization described in section 401(a)) or under section 521 if the remuneration is less than \$50 a quarter). **Alaska:** less than \$250 in a quarter. **Maine:** less than \$150 in a quarter.
5. Services performed for a school, college or university by a spouse of a student enrolled therein if spouse's employment is under a program to provide financial assistance to the student.
6. Service by an individual in the sale of newspapers or magazines to the "end" consumer, whose compensation is based on retention of the excess of such price over the amount charged. **Alabama, Idaho, Nevada, South Dakota:** service performed by an individual under the age of 18 in the delivery or distribution of newspapers or shopping news, not including the delivery or distribution to any point for subsequent delivery or distribution. **Florida, Georgia, Michigan, Minnesota, Missouri, Ohio, Oklahoma, Pennsylvania:** services exempted when worker is under the age of 18. **Hawaii:** not reportable if direct seller. **Illinois:** service exempted if performed by an individual under the age

## FOOTNOTES FOR TABLE 2

of 18 years, or if delivery is to the ultimate consumer and if the remuneration is directly related to sales, per piece or output other than hours worked and if there is a written contract that individual is not an employee for federal tax purposes. **Missouri:** not reportable if direct seller or if bought for wholesale or retail sales. New Hampshire, **Vermont:** exemption excludes an individual who is engaged in the trade or business of delivering or distributing of newspapers or shopping news, including any services directly related to such trade or business. **North Carolina:** service by an individual in the sale or distribution of newspapers or magazines on the street or house to house. **Alaska:** same as North Carolina except does not include magazines. **Texas:** services exempted when worker is under the age of 18 and does not include delivery or distribution to any location for subsequent delivery or distribution. **Washington:** exclusion for newspaper operations includes vendors, carriers, deliveries to a business or office, and freelance correspondents using their own equipment. **Wisconsin:** newspaper carriers are excluded from coverage for benefit purposes, regardless of age or method of remuneration. Wyoming: by an individual under the age of eighteen or as a direct seller or independent contractor in the business of distributing or delivering newspapers or shopping news excluding the delivery or distribution at any point for further delivery or distribution but including directly related services such as soliciting customers and collecting receipts, provided: (A) all or substantially all of the individual's pay for the service, whether or not paid in cash, directly relates to sales or other output rather than to the number of hours worked; and (2) the individual performs the service under a written contract with the newspaper or shopping news publisher which specifies that the individual will not be treated as an employee with respect to the services for federal tax purposes.

7. Services by an individual catching fish or other aquatic animal life for commercial purposes. **Alaska and Washington:** where the individual receives a share of the catch and the crew is less than 10. **Georgia:** not excluded: service performed in connection with the catching or taking of salmon or halibut for commercial purposes and commercial fishing on vessels of more than ten net tons. **Louisiana:** individuals who share in the risks, where they are not guaranteed anything for the services they perform and can only receive a share of the profits. **Massachusetts:** services performed on a vessel of 10 net tons or less are exempt. **Rhode Island:** crew up to 10 individuals and fishermen must receive share of catch. **Tennessee:** crew up to 10 individuals.
8. Student nurses in employ of a hospital or training school who are attending training school, and interns in employ of a hospital who have completed a 4-year course in medical school. **Oregon:** statute not extended to interns who are graduates. Statute reads: "service performed as a student nurse in the employ of a hospital or a nurses' training school by an individual who is enrolled in a nurses' training school chartered or approved pursuant to the laws of this state."
9. Most states require automatic state coverage of any service subject to the Federal Unemployment tax act, except: **California, Maryland, Massachusetts, Minnesota, New Hampshire, New Jersey, New York, South Carolina, Texas, Washington, Wisconsin,** and with minor exceptions, **Michigan, West Virginia.**
10. **Arkansas, Florida:** excludes services performed by an inmate of a custodial or penal institution and services performed by an election worker if the remuneration is less than \$1,000 during calendar year.
11. **New Mexico:** excludes services performed: (a) by an inmate of a custodial or penal institution for a governmental entity or nonprofit organization; (b) by a full time student enrolled in a work-study program if academic instruction is combined with work experience; (c) as a part of an unemployment work relief or work training program assisted by any federal agency, state or political sub-division; and (d) in the employ of a foreign government. **Wisconsin:** excludes a prisoner's work release employment.
12. **Vermont:** eligibility for benefits is disallowed to persons who are self-employed, to the extent that such self-employment makes the person unavailable for work.
13. **Colorado:** excludes services performed in the employ of an elementary or secondary school operated primarily for religious purposes and excludes services performed by certain taxi drivers, limousine drivers, and land professionals.
14. **Tennessee:** excludes services performed by: (a) an inmate of a custodial or penal institution; (b) an election worker and election official if the remuneration is less than \$1,000 during Cy; and (c) an individual as a product demonstrator pursuant to a written contract that such individual will not be treated as an employee by person whose business is to provide demonstrations to third parties.
15. **North Dakota:** excludes land professionals in certain employment relationships and, with a timely request, corporate officers and certain managers of limited liability companies, if the officer or manager and a combination of relatives (parent, child or spouse) own or control 25 percent of the entity.
16. **Montana:** exemptions from coverage also include companionship and respite care, if employed directly by family member or legal guardian, and amateur athletic officials.
17. **Washington:** services performed by massage practitioners, most musicians and performers, barbers and cosmetologists who rent booths, travel agents, real estate appraisers, workers in small theaters and museums who are compensated by a nominal stipend for expenses, and certain amateur sports officials are not covered. Corporate officers may opt into coverage effective December 29, 2013.
18. **Minnesota:** excludes services performed by an inmate of a custodial or penal institution and services by corporate officers and LLC members, if officer or member owns 25% or more of corporation or LLC.



## FOOTNOTES FOR TABLE 2

19. **New Hampshire:** excludes services performed: (a) by an inmate of a custodial or penal institution; (b) by an election worker if the remuneration is less than \$1,000 during calendar year; and (c) in the employ of an elementary or secondary school operated primarily for religious purposes, and excludes individuals who perform product demonstrating and mystery shopping on a temporary, part-time, contract basis.
20. **Texas:** excludes services performed by an inmate of a custodial or penal institution.
21. **New York:** Requires written contract satisfying several specific conditions.

# TAXABLE WAGES

Federal law and all states define “wages” to identify both the amount and the kinds of remuneration subject to tax. All laws establish a taxable wage base or limit on the amount of remuneration subject to tax.

The taxable wage base under federal law is \$7,000. Each state must have a wage base at least that high to permit its employers to receive maximum credit against the federal tax. Accordingly, no state has a taxable wage base less than \$7,000. If the federal base is increased, all states below the new amount will raise their bases (automatic in most states) to allow their employers to take full credit against the federal tax<sup>4</sup>.

Originally, the federal taxable wage base was 100 percent of payroll. It was changed in 1939, effective in 1940, to the first \$3,000 of an individual’s earnings.

The base was raised to \$4,200 in 1972, \$6,000 in 1978, and \$7,000 in 1983.

Table 3 shows the states that have chosen to increase their wage bases beyond the current federal base of \$7,000. As the table shows, some of these states have indexed the wage base to a fixed percentage of the average annual wage in the state. The percentage ranges from 50 to 100. With such a “flexible” taxable wage base, increases in the base automatically follow increases in statewide wage levels.

Table 4 shows the kind of employer payments most commonly excluded from the term “wages” by the states. Most of these payments are now also exempt from federal tax. Wages subject to federal law, but not also subject to state law, are taxable at the full federal rate (6.0%).

**Table 3 - TAXABLE WAGES ABOVE \$7,000**

**States with Flexible Wage Base**

State (1)	Above \$7,000 (2)	Computed as: % of State Average Wage (3)	Other (4)	Rounded to: (5)
Alabama	\$8,000			
Alaska	38,700	75 <sup>2</sup>		nearest \$100
Arkansas	12,000			
Colorado	11,800 <sup>8</sup>			nearest \$100
Connecticut	15,000			
Delaware	18,500 <sup>9</sup>			
D.C.	9,000			
Georgia	9,500			
Hawaii	40,900	100 <sup>2</sup>		nearest \$100
Idaho	36,000	100 <sup>2</sup>		nearest \$100
Illinois	12,960			
Indiana	9,500			
Iowa	27,300	66 2/3 <sup>2</sup>		higher \$100
Kansas	12,000 for 2015; 14,000 for 2016			
Kentucky	9,900			
Louisiana	7,700 <sup>3</sup>		X <sup>3</sup>	
Maine	12,000			
Maryland	8,500			
Massachusetts	15,000			
Michigan	9,500 <sup>6</sup>			
Minnesota	30,000	60 <sup>2</sup>		nearest \$1000
Mississippi	14,000			
Missouri	13,000 <sup>1</sup>			
Montana	29,500	80 <sup>2</sup>		nearest \$100
Nebraska	9,000			
Nevada	27,800	66 2/3 <sup>2</sup>		nearest \$100
New Hampshire	14,000			
New Jersey	32,000	X <sup>2</sup>	28 X SAWW	higher \$100
New Mexico	23,400	60 <sup>2</sup>		higher \$100

**Table 3 - TAXABLE WAGES ABOVE \$7,000**

States with Flexible Wage Base

State (1)	Above \$7,000 (2)	Computed as: % of State Average Wage (3)	Other (4)	Rounded to: (5)
New York	10,500			
North Carolina	21,700	50 <sup>2</sup>		nearest \$100
North Dakota	35,600	70 <sup>2</sup>		nearest \$100
Ohio	9,000			
Oklahoma	17,000	45% <sup>2</sup>		nearest \$100
Oregon	35,700	80 <sup>2</sup>		nearest \$100
Pennsylvania	9,000			
Rhode Island	21,200 <sup>1</sup>	X <sup>2</sup>	X	If not an even multiple of \$200 rounded to the next higher multiple of \$200
South Carolina	14,000 <sup>5</sup>			
South Dakota	15,000			
Tennessee	9,000 <sup>7</sup>			
Texas	9,000			
Utah	31,300	75 <sup>2</sup>		higher \$100
Vermont	16,400			
Virginia	8,000			
Virgin Islands	22,900	60 <sup>2</sup>		nearest \$100
Washington	42,100	80%	X <sup>3</sup>	lower \$100
West Virginia	12,000			
Wisconsin	14,000			
Wyoming	24,700	55 <sup>2</sup>		lower \$100

## FOOTNOTES FOR TABLE 3

- Missouri:** For 2010 and later: if the average fund balance is \$350 million or less, the wage base will increase by \$1,000; if \$650 million or more, the wage base will be reduced by \$500. The wage base is limited to no lower than \$7,000 and no higher than \$13,000. **Rhode Island:** For 2013 and later: if the employer is in the highest tax group (9.79%), the taxable wage base will be \$1,500 higher than the wage base for employers in the lower tax groups. For 2015, that figure will be \$22,700.
- Alaska, Hawaii, New Mexico, North Dakota, Virgin Islands:** computed every 12 months ending June 30. **Minnesota, Montana, Nevada, Rhode Island:** computed every preceding calendar year. **Idaho, New Jersey, Oklahoma, Oregon, Wyoming:** computed every second preceding calendar year. (For **Oregon:** also rounded to the nearest multiple of \$100.) **Iowa:** 662/3% of SAWW multiplied by 52, or the federal wage base whichever is greater. **North Carolina:** computed to average annual insured wage. **Utah:** 75% of the prior average state fiscal year wage base.
- Louisiana:** taxable wage base varies between \$7,000 and \$8,500 according to trust fund balance. **Washington:** 115% of taxable wages for previous year, not to exceed 80% of average annual wage for the second preceding year, rounded down to the next lower \$100. Washington now uses one year's earnings to calculate the taxable Wage Base instead of the average of the last three years' earnings.
- States with taxable wage base at **\$7,000** are: AZ, CA, FL and PR.
- South Carolina:** the taxable wage base is \$12,000 for 2012 and \$14,000 beginning in 2015.
- Michigan:** the taxable wage base will be \$9,500 until the balance in the Unemployment Compensation Fund reaches \$1.2 Billion, and will then revert to \$9,000.
- Tennessee:** variable taxable wage base tied to the balance of the UI trust fund. If the trust fund is over \$1 billion on any December 31, the taxable wage base is \$7,000. If the trust fund is between \$900 million and \$1 billion on any December 31, the taxable wage base is \$8,000. If the trust fund is lower than or equal to \$900 million, the taxable wage base is \$9,000.
- Colorado:** wage base adjusted by change in average weekly earnings as computed on July 1 of each year rounded to the nearest \$100.
- Delaware:** the taxable wage base is tied to the balance of the UI Trust Fund. If the trust fund, as of the preceding

## FOOTNOTES FOR TABLE 3

September 30th, is less than \$125 million, the taxable wage base is \$18,500; if it is \$125 million but less than \$175 million, the taxable wage base is \$16,500; if it is \$175 million but less than \$225 million, the taxable wage base is \$14,500; if it is \$225 million but less than \$275 million, the taxable wage base is \$12,500; if it is \$275 million or greater, the taxable wage base is \$10,500.

**Table 4 - EMPLOYER PAYMENTS MOST COMMONLY EXCLUDED FROM WAGES**  
**(State Law and Corresponding FUTA Exclusions)**

(see footnotes for more complete descriptions and changes in comparable FUTA exclusions)

State <sup>1</sup>	(1)	Retirement (Other than group insurance) <sup>2</sup>	Sick or Disability Pay after 6 months (Other than group insurance) <sup>3</sup>	Tax Exempt Trust, Annuity Plans, etc. <sup>4</sup>	Employer Payment of Employee Taxes <sup>5</sup>	Standby Pay to Persons Age 65 or More <sup>6</sup>	Dismissal Payments <sup>7</sup>	Casual Labor Paid in Other Than Cash <sup>8</sup>
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(8)
Alabama	X		X		X	X		
Alaska	X		X	X	X	X		
Arizona	X				X	X <sup>6</sup>		
Arkansas	X		X		X	X <sup>6</sup>	X	
California	X				X			
Colorado <sup>9</sup>		X	X	X				X
Connecticut <sup>9</sup>	X	X	X <sup>3</sup>		X			
Delaware	X		X <sup>3</sup>	X	X	X <sup>6</sup>	X	
D.C.	X				X	X <sup>6</sup>		
Florida <sup>1</sup>	X				X	X	X	
Georgia <sup>9</sup>	X	X	X	X	X	X <sup>6</sup>		
Hawaii	X		X					
Idaho	X		X	X				X <sup>7</sup>
Illinois <sup>9</sup>	X		X	X	X			X
Indiana <sup>9</sup>								
Iowa	X			X	X	X <sup>6</sup>		
Kansas								
Kentucky	X	X						X
Louisiana <sup>1</sup>								
Maine <sup>9</sup>	X				X	X	X <sup>7</sup>	
Maryland	X	X	X					
Massachusetts	X		X	X	X	X		
Michigan	X		X	X		X	X	
Minnesota	X		X	X		X	X	
Mississippi	X		X		X		X	
Missouri <sup>1</sup>		X						
Montana <sup>1</sup>	X	X	X					
Nebraska	X	X	X	X				X
Nevada	X			X	X			X
New Hampshire	X		X <sup>3</sup>		X			
New Jersey								
New Mexico	X		X	X				
New York <sup>9</sup>	X	X	X	X	X	X	X	
North Carolina			X	X				
North Dakota	X	X	X	X				X
Ohio		X	X	X				
Oklahoma	X <sup>2</sup>	X	X	X		X <sup>11</sup>		
Oregon	X	X	X					
Pennsylvania <sup>9</sup>	X <sup>9</sup>	X	X					X
Puerto Rico	X					X		
Rhode Island <sup>9</sup>	X	X	X					X

**Table 4 - EMPLOYER PAYMENTS MOST COMMONLY EXCLUDED FROM WAGES**  
**(State Law and Corresponding FUTA Exclusions)**

(see footnotes for more complete descriptions and changes in comparable FUTA exclusions)

State <sup>1</sup> (1)	Retirement (Other than group insurance) <sup>2</sup> (2)	Sick or Disability Pay after 6 months (Other than group insurance) <sup>3</sup> (3)	Tax Exempt Trust, Annuity Plans, etc. <sup>4</sup> (4)	Employer Payment of Employee Taxes <sup>5</sup> (5)	Standby Pay to Persons Age 65 or More <sup>6</sup> (6)	Dismissal Payments <sup>7</sup> (7)	Casual Labor Paid in Other Than Cash <sup>8</sup> (8)
South Carolina				X <sup>5</sup>	X		
South Dakota <sup>9</sup>		X		X		X	
Tennessee <sup>9</sup>	X	X	X	X			
Texas	X	X		X	X		
Utah	X	X		X			
Vermont <sup>9</sup>	X	X	X	X			
Virginia		X		X	X		X
Virgin Islands				X	X		X
Washington	X	X	X	X	X		X
West Virginia	X	X	X	X <sup>5</sup>	X		X
Wisconsin		X	X	X <sup>5</sup>			X <sup>13</sup>
Wyoming		X		X		X	

## FOOTNOTES FOR TABLE 4

1. All states exclude certain group insurance payments which an employer may make on behalf of the employees (and their dependents in many states) without deduction from the employees' wages. They include provision for sickness, accident disability, and hospitalization expenses and death benefits. The comparable FUTA exclusion was narrowed beginning in **1985**, but many states still contain the original FUTA exclusion. See section **3306(b)(2)**, FUTA, as amended. **Florida:** excludes certain employer-provided educational payments. **Louisiana, Missouri:** any payment to, or on behalf of an employer of the employee's beneficiary under a cafeteria plan, if such payment would not be treated as wages pursuant to the Federal Unemployment tax act. **Montana:** employer payments excluded from wages also include "no additional cost services" provided by employer.
2. Any payment made to an employee (including any amount paid by an employer for insurance or annuities, or into a fund to provide for any such payment) on account of retirement. (FUTA provision (**3306(b)(3)**) repealed beginning **1985**.) **Oklahoma:** retirement other than 401K, 403b, 408k, 457, 7701j, 408p.
3. Payments made by an employer in connection with sickness, accident disability and hospitalization expenses of an employee more than **6** months after the employee performed any services. (Paraphrased section **3306(b)(4)**, FUTA.)
4. Payments made by employers to or on behalf of any employee or individual's beneficiary: (a) from or to a trust described in section 401(a) which is exempt from tax under section 501(a); (b) under or to an annuity plan described in section 403(a); (c) under a simplified employee pension (as defined in section 408(k)(1)), other than any contributions described in section 408(k)(6); (d) under or to an annuity contract described in section 403(b); (e) under or to an exempt government deferred compensation plan as defined in section 26 U.S.C. 3121(v)(3); (f) to supplement pension benefits under a plan or trust to take into account some or all of the increase in the cost of living since retirement, but only if such supplemental payments are under a plan treated as a welfare plan under the employee Retirement income Security act of 1974. (Paraphrased section **3306(b)(5)**, FUTA. Many states exclude only one or two of the above types of payments.)
5. Payment by an employer (without reduction from remuneration of the employee) of the tax imposed upon an employee under section **3101** of the Federal insurance Contributions act or, as indicated by footnoted states, the tax imposed upon an employee under section **3101** with respect only to remuneration paid an employee for domestic service in a private home or for agricultural labor. (The FUTA provision (**3306(b)(6)**) excludes only FICA tax on employees paid by their employers, only with respect to remuneration for domestic service in the private home of the employer or for agricultural labor.)
6. The amount of any payment (other than vacation or sick pay) to an individual after the month in which individual attains the age of **65**, if individual did not perform services for the employer in the period for which the payment is made. (The FUTA provision (**3306(b)(8)**) was repealed beginning **1985**.)
7. Dismissal payments are no longer (since **1952**) exempt from the FUTA.

## FOOTNOTES FOR TABLE 4

8. Remuneration in any medium other than cash (lodging, food, clothing) to an individual for services not in the course of employer's trade or business. (Section **3306(b)(7)**, FUTA.)
9. **Colorado, Connecticut, Georgia, Illinois, Indiana, Maine, New York, Pennsylvania, Rhode Island, South Dakota, Tennessee, Vermont:** "wages" automatically include all remuneration subject to the Federal Unemployment tax act.
10. **Mississippi:** excluded from date of eligibility. **New Hampshire:** excluded only if payment made by a third party.
11. **Alaska, Oklahoma, Mississippi:** excludes only dismissal payments which the employer is not legally required to make.
12. **California:** excluded if payments are under an employer plan for the purpose of supplementing unemployment benefits. **California:** does not apply to domestic service in a private home, local college club, or local chapter of a college fraternity or sorority.
13. **Wisconsin:** any payment in kind is considered wages.



# EXPERIENCE RATING SYSTEMS

Under the two most popular systems, the key factor in determining an employer's tax rate is the amount of unemployment benefits drawn by former employees. Under the reserve ratio system, the tax rate reflects an employer's cumulative experience. Generally, all benefits ever charged against each employer are subtracted from all contributions (taxes) the employer paid into the fund. The resulting balance, either positive or negative, is then divided by the employer's average payroll for the past 3 years.

Under the benefit ratio system, contributions are not a factor. Tax rates are based simply on the ratio of an employer's benefit charges over a period to the employer's payroll over the same period. Unlike the reserve ratio system, only the last few years of benefit charges are used.

The benefit-wage-ratio and the payroll decline systems do not use benefits as the experience factor. Under the

benefit-wage-ratio, the factor used is the amount of wages paid to a former worker which have permitted the worker to draw benefits. Under the payroll decline system, experience with unemployment is measured by quarterly or annual variations in an employer's payroll.

Under all experience rating systems, all employers' tax rates are based on some experience factor (e.g., benefits) in relation to the employer's payroll. These ratios reflect the employer's actual experience in relation to potential liability. For example, annual benefit charges of \$10,000 are likely to have a significant effect on the ratio at a firm with a half dozen unskilled workers but will have a negligible impact on the rate for an employer with several hundred highly paid employees. Actual tax rates are assigned according to tax schedules under which employers with the worst experience, in terms of their ratios, are assigned higher rates than those with better experience.

**TABLE 5 - TYPE OF EXPERIENCE RATING**

State (1)	Type of Experience Rating				Years of Benefits Used		Years of Payrolls Used	
	Reserve Ratio (31 States) (2)	Benefit Ratio (19 States) (3)	Benefit Wage Ratio (2 States) (4)	Payroll Decline (1 State) (5)	all past (6)	last 3 or as noted (7)	average 3 (8)	last 3 or noted (9)
Alabama		X				X		X
Alaska				quarterly			X	
Arizona	X				X		X	
Arkansas	X				X		X <sup>4</sup>	
California	X				X		X <sup>6</sup>	
Colorado	X				X			X <sup>5</sup>
Connecticut		X				X		X
Delaware			X			X		X
D.C.	X				X <sup>2</sup>		X	
Florida		X				X <sup>3</sup>		X
Georgia	X				X		X	
Hawaii	X				X		X	
Idaho	X				X <sup>2</sup>		X <sup>4</sup>	
Illinois		X				X <sup>3</sup>		X <sup>5</sup>
Indiana	X				X			X
Iowa		X				X <sup>3</sup>	X	
Kansas	X				X		X	
Kentucky	X				X			X
Louisiana	X				X <sup>2</sup>			X <sup>5</sup>
Maine	X				X		X	
Maryland		X				X		X
Massachusetts	X				X			X <sup>5</sup>
Michigan		X <sup>1</sup>				X		X <sup>5</sup>
Minnesota		X				X <sup>3</sup>		X <sup>5</sup>

**TABLE 5 - TYPE OF EXPERIENCE RATING**

State (1)	Type of Experience Rating				Years of Benefits Used		Years of Payrolls Used	
	Reserve Ratio (31 States) (2)	Benefit Ratio (19 States) (3)	Benefit Wage Ratio (2 States) (4)	Payroll Decline (1 State) (5)	all past (6)	last 3 or as noted (7)	average 3 (8)	last 3 or noted (9)
Mississippi		X				X <sup>3</sup>		X <sup>5</sup>
Missouri	X				X		X	
Montana	X				X <sup>2</sup>		X <sup>4</sup>	
Nebraska	X				X		X <sup>4</sup>	
Nevada	X				X		X <sup>4</sup>	
New Hampshire	X				X		X	
New Jersey	X				X		X <sup>4</sup>	
New Mexico		X					X <sup>4</sup>	
New York	X				X		X <sup>4</sup>	
North Carolina	X				X			X <sup>5</sup>
North Dakota	X					X <sup>3</sup>	X <sup>4</sup>	
Ohio	X				X		X	
Oklahoma			X			X <sup>7</sup>		X <sup>7</sup>
Oregon		X				X		X <sup>5</sup>
Pennsylvania		X <sup>1</sup>				X <sup>3</sup>		X <sup>3</sup>
Puerto Rico	X					X	X	
Rhode Island	X				X <sup>2</sup>		X	
South Carolina		X				X <sup>8</sup>		X <sup>8</sup>
South Dakota	X				X			X
Tennessee	X				X		X	
Texas		X				X		X
Utah		X				X <sup>3</sup>		X <sup>5</sup>
Vermont		X				X		X
Virginia		X				X <sup>3</sup>		X <sup>5</sup>
Virgin Islands	X							X <sup>5</sup>
Washington		X				X <sup>3</sup>		X <sup>5</sup>
West Virginia	X				X		X	
Wisconsin	X				X			X <sup>5</sup>
Wyoming		X				X		X

## FOOTNOTES FOR TABLE 5

1. **Michigan, Pennsylvania:** formula includes reserve ratio.
2. **District of Columbia:** all since July 1, 1939. **Idaho:** all since January 1, 1940. **Louisiana:** all since October 1, 1974. **Montana:** all since October 1, 1981. **Rhode Island:** all since October 1, 1958.
3. **Florida:** after 8 quarters of chargeability and annually thereafter. **Illinois:** last 3 years, except if employer has only 3 or 4 years liability in which case, last 1 or 2 years, respectively. **Iowa:** average of 5 years. **Minnesota, Utah, Virginia, Washington:** last 4 years. **Mississippi:** last 3 years ending on June 30, immediately preceding the tax year. **North Dakota:** last 6 years. **Pennsylvania:** average of 3 years for employers meeting the appropriate classification criteria of groups 2 and/or 3, and only 2 years for employers meeting the classification criteria of group 1.
4. **Arkansas:** average of last 3 or 5 years whichever is lesser, or the last year. **Idaho, Nebraska:** average of 4 years. **Montana:** average of last 3 federal fiscal years. **Nevada:** average of last 3 consecutive calendar years. **New Jersey:** average of last 3 or 5 years, whichever is higher. **New Mexico:** starting January 1, 2015, the benefit ratio calculator is the last 3 state fiscal years of benefit changes, divided by 3 previous years of taxable payroll multiplied by a reserve factor. **New York:** average of 5 years. **North Dakota:** average of the last 3 years.

## FOOTNOTES FOR TABLE 5

5. **Colorado, Louisiana, Mississippi, North Carolina, Virgin Islands:** last 3 taxable fiscal years. **Illinois:** last 3 years, except if employer has only 3 or 4 years liability in which case, last 1 or 2 years, respectively. **Massachusetts, Wisconsin:** last year. **Michigan:** in 2012, last 4 years; in 2013 and thereafter, last 3 years.. **Minnesota, Utah, Virginia, Washington:** last 4 years. **Oregon:** last 3 years prior to the computation date of July 1. Use the taxable payroll, not the total payroll.
6. **California:** to determine the average base payroll for the 2015 rating process, the UI taxable payroll is divided by three if the employer began business in 2011, by two if the employer began business in 2012, and by one if the employer began business in 2013. If taxable wages are reported in at least one quarter a year, that is considered a full year with wages.
7. **Oklahoma:** 12 quarters prior to July 1st of the calendar year immediately preceding the year for which the rate is being calculated.
8. **South Carolina:** for calendar year 2013, nine years of benefits and payroll are used. Starting on January 1, 2014, three years of benefits and payroll will be used.

# REQUIREMENTS FOR QUALIFYING FOR A RATE BASED ON EXPERIENCE AND RATES FOR NEW EMPLOYERS

Until 1954, federal law did not permit states to apply reduced tax rates (rates below the usual “standard” rate of 5.4%) for a new employer until that employer had acquired at least 3 years of chargeability. The 3 years of chargeability began when a worker first could have claimed benefits on the basis of wages paid by his or her employer. This date had to have occurred prior to the computation date, the date employer tax rates are computed for the forthcoming rate year. Thus, 3 years of chargeability often meant a period closer to 4 years after the first date of coverage. In 1954 federal law was changed to permit states to lower this requirement to one year of chargeability. In 1970 amendments permitted states to assign reduced rates immediately to

new employers on a reasonable basis, provided the rate was not less than 1.0%. The rate applies during the time necessary under the state law to become eligible for a rate based on experience. While the new employer is paying the prescribed rate, relevant experience, such as contributions paid and benefits charged, is recorded. These figures are used to compute the experience rate which will be assigned when the employer meets the time requirements for a rate based on experience. For some employers, a low rate during the initial new employer period may mean higher rates in later years. Conversely, high initial rates for new employers may result later in low experience rates.

**Table 6 - QUALIFYING PERIODS FOR TAX RATES BASED ON EXPERIENCE**

State (1)	Time Needed to Qualify for Rate Based on Experience (Years) <sup>1</sup> (2)	Computation Date (3)	Effective Date for New Rates (4)	State (1)	Time Needed to Qualify for Rate Based on Experience (Years) <sup>1</sup> (2)	Computation Date (3)	Effective Date for New Rates (4)
Alabama	2-3 <sup>2</sup>	July 1	Jan. 1	Nebraska	1 <sup>11</sup>	Dec. 31	Jan. 1
Alaska	1 <sup>3</sup>	June 30	Jan. 1	Nevada	3½-4¼	June 30	Jan. 1
Arizona	1	July 1	Jan. 1	New Hampshire	1	Jan. 31	July 1
Arkansas	3	June 30	Jan. 1	New Jersey	3	Dec. 31	July 1
California	2 or 3 <sup>15</sup>	June 30	Jan. 1	New Mexico	3	June 30	Jan. 1
Colorado	1	July 1	Jan. 1	New York	15 mos. <sup>12</sup>	Dec. 31	Jan. 1
Connecticut	1 <sup>3</sup>	June 30	Jan. 1	North Carolina	2	Aug. 1	Jan. 1
Delaware	2	Oct. 1	Jan. 1	North Dakota	1 <sup>13</sup>	Sept. 30	Jan. 1
D.C.	3	June 30	Jan. 1	Ohio	5 qtrs.	July 1	Jan. 1
Florida	30 mos.	June 30	Jan. 1	Oklahoma	1-2	Sept. 30	Jan. 1
Georgia	3	June 30	Jan. 1	Oregon	1	July 1	Jan. 1
Hawaii	1	Dec. 31	Jan. 1	Pennsylvania	18 mos. <sup>4</sup>	June 30	Jan. 1
Idaho	6 qtrs.	June 30	Jan. 1	Puerto Rico	21 mos.	June 30	Jan. 1
Illinois	3 <sup>4</sup>	June 30	Jan. 1	Rhode Island	3	Sept. 30	Jan. 1
Indiana	3 <sup>3</sup>	June 30	Jan. 1	South Carolina	1	June 30 <sup>14</sup>	Jan. 1 <sup>14</sup>
Iowa	3	July 1	Jan. 1	South Dakota	2	June 30	Jan. 1
Kansas	2	June 30	Jan. 1	Tennessee	3	Dec. 31	July 1
Kentucky	3 <sup>5</sup>	July 31	Jan. 1	Texas	6-8 qtrs.	Oct. 1 <sup>14</sup>	Jan. 1 <sup>14</sup>
Louisiana	2 <sup>6</sup>	June 30	Jan. 1	Utah	1 <sup>2</sup>	July 1	Jan. 1

**Table 6 - QUALIFYING PERIODS FOR TAX RATES BASED ON EXPERIENCE**

Time Needed to Qualify for Rate Based on Experience				Time Needed to Qualify for Rate Based on Experience			
State	(Years) <sup>1</sup>	Computation Date	Effective Date for New Rates	State	(Years) <sup>1</sup>	Computation Date	Effective Date for New Rates
(1)	(2)	(3)	(4)	(1)	(2)	(3)	(4)
Maine	2 <sup>7</sup>	June 30	Jan. 1	Vermont	1	Dec. 31	July 1
Maryland	2	July 1	Jan. 1	Virginia	1	June 30	Jan. 1
Massachusetts	1	Sept. 30	Jan. 1	Virgin Islands	3	Sept. 30	Jan. 1
Michigan	1 <sup>8</sup>	June 30	Jan. 1	Washington	1.5 <sup>3</sup>	July 1	Jan. 1
Minnesota	1	June 30	Jan. 1	West Virginia	3	June 30	Jan. 1
Mississippi	3 <sup>9</sup>	June 30	Jan. 1	Wisconsin	3 <sup>16</sup>	June 30	Jan. 1
Missouri	2	July 1	Jan. 1	Wyoming	3 <sup>7</sup>	June 30	Jan. 1
Montana	3 <sup>10</sup>	Sept. 30	Jan. 1				Jan. 1

## FOOTNOTES FOR TABLE 6

- For most states, period shown is period throughout which employer's account was chargeable.
- Alabama, Utah:** employer is first rated from the liability date — the first fiscal year (July 1st- June 30th) that the employer's account is chargeable. The experience rate is effective through the next following January 1st, after the complete fiscal year of charging.
- Alaska, Connecticut, Indiana, Washington:** requirement is in terms of subjectivity.
- Illinois, Pennsylvania:** employers must meet the appropriate group classification criteria before receiving an experience-based rate. The timeframe is generally 2 to 3 calendar years, in which contributions are payable, for the employer to meet the group classification as required by law. **Illinois:** if faced with the risk of unemployment for at least 13 months ending June 30 of the prior calendar year, an employer may qualify for a rate based on experience if it is higher than the non-experience based rate.
- Kentucky:** rate higher than standard rate possible if an employer has been in business more than 1 month as of the computation date.
- Louisiana:** after one year of experience an employer with a negative reserve balance will pay the maximum tax rate.
- Maine, Wyoming:** a 24 consecutive month period ending June 30 of the preceding year for new employers not previously subject to the act.
- Michigan:** 1/3 of an employer's own experience is used to calculate the employer's contribution rate in the first year of liability; 2/3 is used to calculate the second year contribution rate; all the employer's experience is used to calculate the contribution beginning with the third year of liability.
- Mississippi:** two years from date liability is discovered, if liability began during or prior to the first quarter of the year in which employer's liability was discovered, then liability must be discovered by July 31st of that same year.
- Montana:** an employer with a deficit reserve will have a computed rate after one year.
- Nebraska:** in addition to one year of chargeability, contributions are payable in two preceding four quarter periods ending September 30.
- New York:** after filing reports for five quarters before a rate computation date (Dec. 31), employers may qualify to receive a rate based on their UI experience.
- North Dakota:** 24 months for construction industry.
- South Carolina:** for newly-qualified employers the computation date is as of June 30 of the year 12 consecutive months of liability is accomplished and a computation is made for an experience rate to apply for the next calendar year.  
**Texas:** for newly-qualified employers the computation date is end of quarter in which employer meets experience requirements, and effective date is immediately following quarter.
- California:** an employer is first experience rated once their reserve account has been subject to benefit charges for twelve complete consecutive calendar months ending on the computation date.
- Wisconsin:** initial rates are on payroll for each of the first 3 calendar years with respect to which contributions are credited to an employer's account.

**Table 7 - RATES FOR NEW EMPLOYERS**

State	Rate for Newly Covered Employers Applicable Until They Qualify for Rate Based on Experience - Usual Standard Rate of 5.4% plus Surcharges in Some States Except:
Alabama	2.7%
Alaska <sup>1</sup>	Average industry tax rate (1.53%)
Arizona <sup>1</sup>	2.0%
Arkansas <sup>1,3</sup>	2.9% (3.7% <sup>1</sup> )
California <sup>1</sup>	3.4%
Colorado <sup>1,2</sup>	Standard rate of 1.7%, the actual experience rate, or construction rate at average industry tax rate, whichever is greater.
Connecticut	4.8%
Delaware	Average assessment rate for all employers (2.5% <sup>6</sup> ) but not less than 1.0%.
D.C. <sup>1</sup>	Higher of 2.7% or same rate as average rate for all employers for last Cy.
Florida <sup>1</sup>	2.7%
Georgia <sup>1</sup>	2.62%, plus 0.08% administrative assessment.
Hawaii	3.0%
Idaho	Mathematical formula relating fund balance to average cost benefit fund years but not less than 1% and not more than 3.36%.(1.0% <sup>6</sup> ).
Illinois <sup>1</sup>	Greater of 2.7%, or 2.7% times the adjusted state experience factor (3.75% for 2015) or their major industrial classification average rate, or a rate based on their individual experience.
Indiana	2.5%
Iowa <sup>1,2</sup>	12th benefit ratio rank in current rate schedule, but not less than 1.0%.(1.0% <sup>6</sup> ). For non-construction employers, 12th benefit ratio rank in current rate schedule but not less than 1.0%. For construction employers, 21st benefit ratio rank, but not to exceed 9.0%.
Kansas	2.7% for non construction; 6.0% for construction
Kentucky <sup>2</sup>	2.7% (foreign and domestic construction firms receive maximum rate <sup>6</sup> ).
Louisiana	Weighted average of the industry, but not less than 1% and a maximum rate of 6.2% when the reserve balance is negative.
Maine	Set at predetermined yield, but not below 1.0% (2.58% <sup>6</sup> ).
Maryland	New employer rate is calculated as the Highest of 1% of the taxable wage base, 5- year benefit cost rate, or the contribution rate of an employer with a benefit ratio of 0.0000, not to exceed 2.6%. The employer rate for foreign contractors cannot exceed the highest rate in effect for any tax/calendar year. <sup>5</sup>
Massachusetts	Rate consistent with that for employers with 10.5-11.0% positive reserve construction rate at average of NAICS Code 23(2.83% <sup>6</sup> ).
Michigan <sup>2</sup>	In 2012, 2.7% for the 1st year of liability; for the 2nd and 3rd years of liability rate is based on 1/3 and 2/3 of benefit charges, respectively. Thereafter, rate is based totally on employer's calculated experience factors. In 2013 and thereafter, 1st and 2nd years are based on 1/3 and 2/3 of benefit charges, respectively. Thereafter, rate is based totally on employer's calculated experience factors.
Minnesota <sup>2</sup>	Higher of 1.0% or state's 4-year computed average rate, plus the state's base tax rate and any additional assessments(1.76% <sup>6</sup> ).
Mississippi <sup>1</sup>	1.16% first year, 1.26% second year, 1.36% third year, then determined by experience
Missouri <sup>1</sup>	1.3% for newly covered nonprofit employers and governmental entities electing contributions. For others, 3.510% or average for the industry, whichever is higher. Rates include percentage increases based on average fund balance.
Montana	Average rate for employer's major industry classification, but not less than 1.0%
Nebraska	For non-construction employers, category 12 rate but not less than 1.25% and not greater than 2/5%. In 2015 the rate for new non-construction employers will be 1/25%. For new construction employers, the category 20 rate. For 2015, the rate for new construction employers will be 5.4%. Construction employers defined as those in category 23 of NAICS.
Nevada	2.95% <sup>4</sup>



**Table 7 - RATES FOR NEW EMPLOYERS**

State	Rate for Newly Covered Employers Applicable Until They Qualify for Rate Based on Experience - Usual Standard Rate of 5.4% plus Surcharges in Some States Except:
New Hampshire <sup>1</sup>	2.7% less any fund balance reduction in effect, which may range from 0.5% to 1.5%(1.7% <sup>6</sup> ).
New Jersey <sup>1,3</sup>	3.4%(UI portion - 3.2825% <sup>6</sup> ).
New Mexico <sup>3</sup>	Starting January 1, 2015, contributing new employers will have a rate that is the greater of their industry average UI contribution rate or 1.0%.
New York	May not exceed 3.4% and is based on the size of fund index, which is equal to the tax rate assigned to employers with a positive (less than 1.0%) account balance. Rate may be increased based upon subsidiary and reemployment service taxes.
North Carolina	1.0%
North Dakota	1.07% <sup>7</sup>
Ohio <sup>1,2</sup>	2.7% for all employers, except construction industry 6.5%.
Oklahoma	2.2%
Oregon	2.0% - 3.3%, depending on rate schedule in effect.
Pennsylvania <sup>1,2</sup>	3.6785%, construction employers pay 10.1947%.
Puerto Rico	2.7% - 3.4%, depending on rate schedule in effect.
Rhode Island <sup>1</sup>	2.74%, not including 0.21% for Job Development Fund.
South Carolina <sup>8</sup>	1.55%. (Base rate of 1.49% + administrative contingency assessment 0.06%.
South Dakota <sup>2</sup>	1.2% for first year; 1.0% thereafter if positive, until experience rated (plus investment fee of 0.55%).
Tennessee	New non-governmental employers are assigned a rate based on the reserve ratio of their industry grouping. 2.7% for employers in industries with a positive reserve ratio. Employers in industries with a negative reserve ratio are assigned the premium rate for their industry.
Texas	Higher of 2.7% or industry average. <sup>9</sup>
Utah	Benefit cost rate for employer's industry: 1.3% - 7.3%.
Vermont <sup>2,3</sup>	1.0% <sup>2</sup>
Virginia <sup>1,2</sup>	2.84% (which includes fund building and pool surtaxes).
Virgin Islands	2.0%
Washington	90% of industry average tax rate determined by Trust Fund balance and the experiences of other new employers over the last three years. The new employer rate varies between 90%, 100%, or 115% of the industry average. Must be at least 1%.
West Virginia <sup>2</sup>	2.7% (construction industry and foreign contractors pay 7.5% plus a 1% surtax <sup>6</sup> ).
Wisconsin <sup>2</sup>	3.6% (employer with taxable payroll under \$500,000), 4.10% (employer with taxable payroll of \$500,000 or more), 6.60% for construction industry. This amount is calculated as average industry rate. New employers with payroll over \$10 million may elect to pay 1.0% for first three years.
Wyoming <sup>1</sup>	Average rate for employer's industry but not less than 1.0% plus applicable adjustments.

## FOOTNOTES FOR TABLE 6

1. These states provide for solvency rates or surcharges, which are added/increased or eliminated/reduced to maintain solvency and stability of the funds. An increase is typical when the funds drop below prescribed levels. Reductions are also usually made when the funds are above prescribed levels. These charges usually apply to rated employers, but in some states, they may also apply to new employers. **Arkansas:** the new employer rate is 2.9%. In 2015, the 0.8% stabilization tax raises the rate to 3.7%. **Illinois:** to the result of these calculations, one must add the fund building surcharge for 2015 of 0.55% which is, however, included in the parenthetical rate of 3.75%. **New Hampshire:** fund balance reductions for positive rated employers is determined on a quarterly basis by the trust fund balance during the preceding quarter.
2. Some state rates do not apply to specific types of excepted employers. **Colorado, Iowa, Kentucky, Ohio, Pennsylvania, South Dakota, Wisconsin:** for newly covered employers except those in the construction industry. **West Virginia:** for newly covered employers except those in the construction industry and foreign contractors. **Michigan:** 1st and 2nd years are based on 1/3 and 2/3 of benefit charges, respectively. Thereafter, rate is based totally on employer's calculated experience factors. **Minnesota:** for newly covered employers except those in high rated industries. **Vermont:** except



## FOOTNOTES FOR TABLE 7

that foreign corporations classified in the three digit North American industry Classification System Code as 236, 237 or 238 shall pay contribution at a rate equal to the average rate as of the most recent computation date paid by all employers so classified. **Virginia:** rate is 2.5% for newly covered employers, if they are a Virginia business. Rate is 6.2% for foreign contractors.

3. **Experience rating transfers are available in some states.** **Arkansas:** allows an employer, new to Arkansas, who has had benefit risk for three (3) years immediately prior to the computation date in another state to have a rate based on that experience. Arkansas employment must be in the same industry and the employer must furnish all of the information necessary to perform the reserve ratio calculation. A new employer cannot have a rate of less than one percent (1%). **New Jersey:** employers moving into New Jersey may apply for a rate based on their experience in the state from which they moved. The rate cannot be less than 1.0%. **New Mexico:** employers doing business in another state can transfer their experience history if they relocate to New Mexico and close business in the other state. The employer must be in the same business in another state but not doing business in New Mexico, have been in operation for three full calendar years, and make the initial registration and application within 30 days of starting business in New Mexico. **Vermont:** a succeeding employer is prohibited from receiving the same experience rating as its predecessor unless the previous employer had been operating the business for the two weeks prior to the acquisition. If the acquiring employer's contribution rate is lower than the predecessor's rate, the acquiring employer shall not be considered a successor.
4. **Nevada:** plus .05% Career enhancement tax = 3.00% total rate.
5. **Maryland:** new employer rate for 2015 is 2.6%. New employer rate for foreign contractors for 2015 is 9.0%.
6. **Rate published in the U.S. Department of labor's Comparison of State Unemployment Compensation laws with data effective on January 1, 2014.**
7. **North Dakota:** no less than 1.0% for non-construction and the maximum rate on the negative balance schedule for construction.
8. **South Carolina:** new employers are assigned to rate class 12. This rate is computed annually based on the projected revenue needed to fund the unemployment insurance trust fund account for anticipated benefit payments, loan repayments, loan interest payments, contingency assessments, and trust fund solvency.
9. **Texas:** the 2.7% new employer rate also includes the Employment and Training Investment Assessment.

# TRANSFERS OF BUSINESS

When a total or partial change in entity ownership occurs, through merger, acquisition, spin-off, reorganization, or any other cause, state experience rating laws vary widely with respect to the applicable tax rate for the successor. The successor acquires the experience attributable to the transferred business rather than the predecessor's tax rate itself.

The simplest approach is to continue the successor's

pre-transfer rate for the remainder of the rate year, or if the successor is not an employer, to continue the predecessor's rate. For future years, the successor's rate will be based on the entire business, including the business acquired in the transfer.

All states are now required to have limitations on transfers that comply with the federal SUTA dumping law. Some of these laws are reflected in the footnotes.

**TABLE 8 - RATES FOR EMPLOYERS INVOLVED IN TRANSFERS OF EXPERIENCE**

State (1)	Special Limitations on Transfers (2)	Total Transfers (M=Mandatory O=Optional) (3)	Partial Transfers (M=Mandatory O=Optional) (4)	Successor's Rate <sup>5</sup>		Enterprise Must be Continued (7)
				Previous Rate Continued (5)	Rate Combined Experience (6)	
Alabama	X <sup>1</sup>	M	O	X	X	
Alaska	X <sup>1</sup>	M			X	
Arizona	X <sup>1</sup>	M	O	X		X
Arkansas	X <sup>1</sup>	M	O	X		X
California	X <sup>1</sup>	M <sup>2,4</sup>	M <sup>2,4</sup>		X <sup>7</sup>	X
Colorado	X <sup>1</sup>	M	O	X	X <sup>7</sup>	X
Connecticut	X <sup>1</sup>	M <sup>4</sup>	M <sup>4</sup>		X	
Delaware	X <sup>1</sup>	M		X	X	X
D.C.	X	M	M	X		X
Florida	X <sup>1</sup>	O <sup>1</sup>	O <sup>1</sup>		X	X
Georgia	X <sup>1</sup>	M <sup>2</sup>	O <sup>3</sup>	X <sup>5</sup>	X <sup>5</sup>	X
Hawaii	X	O <sup>2</sup>	O			X
Idaho	X <sup>1</sup>	O <sup>1</sup>	O		X	X
Illinois	X <sup>1</sup>	M	O	X	X	
Indiana	X <sup>1</sup>	M	M	X		
Iowa	X	M <sup>4</sup>	O <sup>4</sup>	X <sup>5</sup>	X <sup>5</sup>	X
Kansas	X <sup>1</sup>	O <sup>4</sup>	O <sup>4</sup>	X		X
Kentucky	X <sup>1</sup>	M	M	X		X
Louisiana	X	M	M	X <sup>5</sup>	X <sup>6</sup>	
Maine	X <sup>1</sup>	M <sup>2</sup>		X	X	
Maryland	X <sup>1</sup>	M	M	X	X	X
Massachusetts	X	M	M <sup>3</sup>	X <sup>5</sup>	X <sup>5</sup>	X
Michigan	X <sup>1</sup>	M	O <sup>3</sup>	X	X	X
Minnesota	X	M <sup>4</sup>	M <sup>4</sup>		X	
Mississippi	X	M	O	X <sup>6</sup>	X	X
Missouri	X <sup>1</sup>	M	M <sup>3</sup>	X <sup>6</sup>	X	X
Montana	X <sup>1</sup>	M <sup>1</sup>	M <sup>1</sup>	X <sup>1</sup>	X <sup>1</sup>	
Nebraska	X <sup>1</sup>	O <sup>4</sup>	M <sup>4</sup>		X	
Nevada	X <sup>1</sup>	O <sup>2</sup>	O <sup>3</sup>		X	
New Hampshire	X <sup>1</sup>	M	O		X	X
New Jersey	X <sup>1</sup>	M	O	X	X	X
New Mexico	X <sup>1</sup>	M	O	X		
New York	X <sup>1</sup>	M	M		X	X

**TABLE 8 - RATES FOR EMPLOYERS INVOLVED IN TRANSFERS OF EXPERIENCE**

State (1)	Special Limitations on Transfers (2)	Total Transfers (M=Mandatory O=Optional) (3)	Partial Transfers (M=Mandatory O=Optional) (4)	Successor's Rate <sup>5</sup>		Enterprise Must be Continued (7)
				Previous Rate Continued (5)	Rate Combined Experience (6)	
North Carolina	X <sup>1</sup>	M	O <sup>3</sup>	X	X	
North Dakota	X <sup>1</sup>	O	O	X		X
Ohio	X <sup>1</sup>	M <sup>1</sup>	O <sup>1</sup>	X <sup>1</sup>	X <sup>1</sup>	X
Oklahoma	X <sup>1</sup>	M <sup>2</sup>	O <sup>3</sup>		X	X
Oregon	X	M	M	X	X <sup>7</sup>	X
Pennsylvania	X <sup>1</sup>	O	O	X <sup>6</sup>	X	X
Puerto Rico	X	O	O	X		X
Rhode Island	X <sup>1</sup>	M	O	X <sup>6</sup>		X
South Carolina	X	M	O	X <sup>6</sup>		X
South Dakota	X <sup>1</sup>	O <sup>1</sup>			X <sup>7</sup>	
Tennessee	X <sup>1</sup>	M <sup>4</sup>	M <sup>4</sup>	X <sup>6</sup>		X
Texas	X	M <sup>2</sup>	M <sup>2</sup>	X	X	X
Utah	X	M			X <sup>7</sup>	
Vermont	X	M		X		X
Virginia	X <sup>1</sup>	O <sup>4</sup>	O <sup>4</sup>	X		
Virgin Islands	X	O	O	X	X	
Washington	X	M	M	X <sup>6</sup>	X <sup>7</sup>	
West Virginia	X <sup>1</sup>	M	M	X <sup>6</sup>		X
Wisconsin	X <sup>1</sup>	O <sup>4</sup>	O <sup>4</sup>	X <sup>6</sup>	X	X
Wyoming	X	M		X <sup>6</sup>		X

## FOOTNOTES FOR TABLE 8

1. The following states have special limitations on transfers — **Alabama:** transfer is mandatory if both predecessor and successor own or control the same interests. Optional requests for transfers on partial successors require agency notification of change of ownership within 90 days and partial transcripts within 120 days of change. **Alabama, Alaska, California, Colorado, Connecticut, Missouri:** no transfer may be made if it is determined that acquisition was solely for the purpose of qualifying for a reduced rate; in addition, **Alaska:** does not transfer the rate if it would be inequitable to the successor, nor does it transfer rate if it would be contrary to the public interest. **Arizona, Florida, Idaho, Kentucky:** successor must pay contributions due from the predecessor and assume liability for all contributions that may become due if experience is transferred. Partial transfers between common owners triggers recalculation of successor tax rate and are void if a layoff of more than half the transferred workers occurs within six months after the transfer. If business is acquired solely for the purpose of obtaining a lower than entry tax rate, the rate of the new business shall be assigned and the predecessor experience shall not be transferred. **Arkansas:** successor must pay contributions due from the predecessor and assume liability for all contributions that may become due if experience is transferred. Partial transfers between common owners triggers recalculation of successor tax rate. If business is acquired solely for the purpose of obtaining a lower than entry tax rate, the rate of the new business shall be assigned and the predecessor experience shall not be transferred. **Colorado:** partial transfer permitted if unit had 14 consecutive quarters of payroll immediately preceding the computation date. **Connecticut, Delaware, Florida, Ohio:** if an employer transfers its trade or business, or a portion thereof, to another employer and, at the time of the transfer, there is any common ownership, management or control of the employers, then the unemployment experience attributable to the transferred trade or business shall be transferred to the employer to whom such business is so transferred. The rates of both employers shall be recalculated and made effective immediately upon the date of the transfer of trade or business. Whenever a person who is not an employer at the time of transfer acquires the trade or business of an employer, the unemployment experience of the acquired business shall not be transferred to such person if the Department finds that such person acquired the business solely or primarily for the purpose of obtaining a lower rate of contribution. Instead, such person shall be assigned the applicable new employer rate. **Georgia:** successor must pay contributions due from the predecessor and assume liability for all contributions that may become due if experience is transferred. Transfer of experience (full or partial) in a successorship is mandatory if there is substantially common ownership, management or control between entities. If business is acquired solely or primarily for the purpose of obtaining a lower rate or contributions, then no experience

## FOOTNOTES FOR TABLE 8

transfer will be allowed and the successor will receive a new employer rate. **Idaho:** transfer is mandatory if management or ownership or control is substantially the same. Optional requests for transfer of experience must be made within 180 days of the date of transfer. **Illinois:** if an employer transfers its trade or business, or a portion thereof, to another employer and, at the time of the transfer, there is any common ownership, management or control of the employers, then the unemployment experience attributable to the transferred trade or business shall be combined with the experience of the employer to whom such business is so transferred. If an employer had a contribution rate applicable to it, it should continue with that rate for the remainder of the year. When a person who is not an employer at the time of transfer acquires the trade or business of an employer, the unemployment experience of the acquired business shall not be transferred to such person if the Department finds that such person acquired the business solely or primarily for the purpose of obtaining a lower rate of contribution. Instead, such person shall be assigned the applicable new employer rate. **Indiana:** successor must pay contributions due from the predecessor and assume liability for all contributions that may become due if experience is transferred. Partial transfers between common owners triggers recalculation of successor tax rate. If business is acquired solely for the purpose of obtaining a lower than entry tax rate, the rate of the new business shall be assigned and the predecessor experience shall not be transferred. **Kansas:** optional requests for transfer of experience must be made within 120 days of the date of transfer. **Maine:** successor must pay contributions due from the predecessor and assume liability for all contributions that may become due if experience is transferred, except when business is purchased free and clear of liens through bankruptcy. Then, rate will transfer if lower; otherwise, employer gets lower rate. **Maryland:** transfer is mandatory if there is any common ownership, management or control with predecessor employer or if existing employer acquired the predecessor. **Missouri:** transfer is mandatory if one or more successors acquire and continue without interruption all of predecessor's business; or when trade or business, or portion thereof, is transferred and substantially common ownership, management or control exists. **Michigan, Missouri, Nebraska, New Hampshire, New Mexico, Ohio, Oklahoma, South Carolina, West Virginia, Wisconsin:** successor must pay contributions due from the predecessor and assume liability for all contributions that may become due if experience is transferred. **Montana:** total and partial transfer is mandatory if the management, ownership or control is substantially the same. Optional requests for transfer of experience must be made within 90 days of the date of transfer. No transfer may be made if determined that acquisition was solely for the purpose of qualifying for a reduced rate. **New Jersey:** no transfer is made if it is determined that the acquisition was made solely or primarily for the purpose of qualifying for a reduced tax rate. Following the purchase of a corporation with little or no activity, if the resulting employer unit operates a new or different business activity, the unit is assigned the new employer rate. A successor may request reconsideration of the transferred employment experience within four months if they can show the employment experience of the predecessor is not indicative of the future employment experience of the successor. **Nevada:** no transfer may be made if it is determined that acquisition was solely for the purpose of qualifying for a reduced rate. **New York:** law is similar to those in Delaware, Florida and Ohio, except for the stipulation of at least 10% common ownership, management or control. **North Dakota:** no transfer if the predecessor files a written protest; mandatory transfer of both positive and negative experience rating accounts whenever the Bureau finds that the predecessor and successor are owned and controlled by essentially the same interests without liability for unpaid contributions. No transfer if the agency finds that the employing unit acquired the business solely or primarily for the purpose of obtaining a lower unemployment insurance tax rate. **Pennsylvania:** transfer is mandatory if employer transfers its organization, trade, business or workforce whether transfer was by a merger, consolidation, sale or transfer, descent or otherwise, of employer if it is found that (1) such employer was owned, controlled or managed by the successor in interest either directly or indirectly, by legally enforceable means or otherwise, or, (2) both such employer and successor-in-interest were owned, controlled or managed, either directly or indirectly, by legally enforceable means or otherwise, by the same interest or interests. **Rhode Island:** partial transfers limited to separate establishments for which separate payrolls have been maintained. **South Dakota:** transfer is mandatory if there is substantially common ownership, management, or control of both entities. **Tennessee:** no voluntary transfer of experience will be allowed if the transfer is considered SUTA dumping under federal or Tennessee law. **Virginia:** transfer is mandatory only for acquisitions between liable employers. For all other acquisitions, experience may be denied unless there is common ownership, management or control, where the sole or primary purpose of acquisition was not to obtain a lower tax rate. **West Virginia:** partial transfers limited to acquisitions of all or substantially all of employer's business. **Wisconsin:** to be eligible for transfer of account experience successor must continue to operate the same business or employ substantially the same employees as the predecessor. If business is acquired solely or primarily for the purpose of obtaining a lower rate of contributions, then no experience transfer will be allowed and the successor will receive a new employer rate.

2. Total Transfers — **California:** provides for *mandatory* transfer of reserve account attributable to a transferred business when an employer transfers all or part of its business or payroll to another employer and at the time of transfer, both employers are under common ownership, management, or control. A reserve account transfer is *optional* when the employer submits an Application for Transfer of Reserve Account and there was an acquisition of unrelated businesses. **Georgia:** subject to SUTA Dumping provisions. Not transferred if the rate of the predecessor is higher than the new employer rate, or, on a combination, higher than the successor's rate. **Hawaii, Nevada:** provides for mandatory transfers

## FOOTNOTES FOR TABLE 8

when there is substantially common ownership, management or control of two employing units and one employing unit transfers any portion of its trade or business to the other employing unit. Also prohibits transfer when a person who is not an employing unit acquires the trade or business of an existing employing unit primarily for the purpose of obtaining a lower rate of contribution. **Maine:** prohibits transfer when a person who is not an employing unit acquires the trade or business of an existing employing unit primarily for the purpose of obtaining a lower rate than the new employer rate. The employer is assigned a new employer rate. **Oklahoma:** but anti SUTA Dumping law applies if there is common ownership or employers acquire a good business. **Texas:** total and partial transfers of experience are mandatory only if the predecessor or a close relative of the predecessor has an ownership interest in the successor or has an option to purchase such an interest.

3. Partial Transfers — **California:** provides for *mandatory* transfer of reserve account attributable to a transferred business when an employer transfers all or part of its business or payroll to another employer and at the time of transfer, both employers are under common ownership, management, or control. A reserve account transfer is *optional* when the employer submits an Application for Transfer of Reserve Account and there was an acquisition of unrelated businesses. **Georgia:** subject to SUTA Dumping provisions, applications for partial transfer of experience must be signed by both parties and be submitted no later than two calendar quarters following the quarter in which the transfer occurred. **Massachusetts, Missouri:** mandatory when entities are commonly owned, managed or controlled. Partial transfers not provided for in other instances. **Michigan:** there is a mandatory partial transfer if there is substantially common ownership, management, or control between the two employers, or if there is an asset transfer of at least 75%. **Nevada:** see footnote 2. **North Carolina:** mandatory when common ownership between entities is established. **Oklahoma:** anti SUTA Dumping law applies if common ownership or employers acquire a good business.
4. Total and Partial Transfers — **California:** provides for *mandatory* transfers of reserve account attributable to a transferred business when an employer transfers all or part of its business or payroll to another employer and at the time of transfer, both employers are under common ownership, management, or control. An employer who obtains or attempts to obtain a more favorable UI rate due to deliberate ignorance, reckless disregard, fraud, intent to evade, misrepresentation, or willful nondisclosure shall be assigned the maximum UI contribution rate plus 2 percent for specified rating periods. **Connecticut:** by agency interpretation or statute. **Iowa:** but anti SUTA dumping law applies if there is common ownership or employers acquire a going business. **Kansas:** mandatory transfer required if the successor employer is controlled substantially, either directly or indirectly, by legally enforceable means or otherwise by the same interest or interests. **Minnesota:** when 25% ownership is held within a family, transfer is mandatory. No transfer if ownership is not within family. **Nebraska:** generally optional, but mandatory if the predecessor or successor are owned or controlled by substantially the same interests and mandatory if the predecessor and successor are commonly owned, and the predecessor has a negative reserve balance. Optional if the predecessor and successor are commonly owned, and the predecessor has a positive reserve balance. Not allowed if partial transfer between unrelated parties. **Tennessee:** a transfer of experience is mandatory if there is any common ownership, management or control by the two employers. If the department is not notified of a transfer or an employer engages in any other scheme that would be SUTA dumping under federal or Tennessee law, both the predecessor and successor will be subject to a 2% penalty rate. Persons involved will be subject to a class a misdemeanor with a maximum sentence of 11 months, 29 days imprisonment and a maximum fine of \$2,500. In addition, any person who advises others to violate the law or who violates the law but is not an employer against whom the 2% penalty rate can be levied, is subject to a Class a misdemeanor charge plus a civil monetary penalty of up to \$50,000. **Virginia:** succeeding or acquiring unit may deny within 60 days. **Wisconsin:** partial written applications for transfers of account experience (both total and partial) must be made on or before the contribution payment due date for the first full quarter following the date of transfer. Optional partial transfers of account experience are permitted if the transfer includes at least 25% of the predecessor's total Wisconsin business. However, both partial and total transfers are mandatory if the predecessor and successor were owned, controlled or managed substantially, either directly or indirectly, but legally enforceable means or otherwise, by the same interest or interests.
5. Successor's Rate: by agency interpretation or statute — **Georgia:** subject to SUTA Dumping provisions, successor new employers receive the lower of either the predecessor's tax rate or the new employer rate. Combined existing employers keep their rate for the remainder of the combination quarter. Subsequently, experience is combined if the predecessor's rate is equal to or lower than that in effect for the successor. **Iowa:** successor may continue at previous rate or have new rate computed on combined experience for the remainder of the rate year. **Louisiana:** a new employer totally acquiring an established business gets the rate of the previous employer. A new employer partially acquiring an established business gets the higher of the new employer rate or the partial predecessor's rate until the percentage of acquisition is submitted, at which time the partial predecessor's rate and percentage of experience rating data is transferred to the successor. **Massachusetts:** the previous rate is continued if the entities are not commonly owned, managed or controlled. If the successor was an employer prior to the transfer, the successor retains its own rate for the year of acquisition. If the successor was not a subject employer prior to a whole transfer, the successor assumes the rate of the predecessor. If the successor was not a subject employer prior to a partial transfer, the successor receives the new employer rate. If entities are commonly owned, managed or controlled, the account experience of the entities

## FOOTNOTES FOR TABLE 8

is combined and the successor rate is recalculated as of the date of a whole or a partial transfer.

6. Previous Rate Combined — **Missouri, South Carolina:** previous rate continues until end of quarter in which succession occurred; thereafter, rate computed on combined experience. **Louisiana:** an existing employer totally or partially acquiring an established business maintains his previous rate for the acquisition year. A total successor's rate for the subsequent year is based on the merging of both accounts' data, while a partial successor's rate for the subsequent year is based on the merging of his data and the percentage of the partial predecessor's data when the information is submitted. **Pennsylvania:** a successor that was not a previous employer will not be assigned a predecessor's delinquency rate. The successor's rate will be based on predecessor's experience. **Rhode Island:** permits successor to continue at previous rate or to pay at predecessor's rate. **Tennessee:** no successor employer receives a rate lower than the new employer rate unless the predecessor or successor qualifies for a rate based on experience. **Mississippi, Washington:** if successor is an existing employer they keep their existing rate for the remainder of the year of transfer. If the successor is not an existing employer, the successor gets the predecessor rate for the remainder of the year of transfer and combined experience in following years. **West Virginia:** not applicable to employers established by assistance of any state economic development agency. **Wisconsin:** rates for successors who were employers prior to transfer have their previous rate frozen in the year of transfer; if not, successor pays at predecessor's rate. **Wyoming:** a new employer purchasing an established business gets the rate of the previous employer.
7. Rate Combined Experience — **California:** predecessor's reserve account balance is transferred to and combined with the successor's reserve account balance to determine the new Unemployment Insurance Contribution Rates. For *mandatory* transfers of reserve account, a change in contribution rate caused by transfer of all or a portion of the separate account shall not become effective earlier than the beginning of the calendar quarter succeeding the effective date of the transfer. Except in the case where fraud, intent to evade, misrepresentation, or willful nondisclosure is found, the notice of correction shall be issued before the expiration of the rating year to which the statement relates. Applications for *optional* transfer of reserve account between unrelated parties are effective as of the date of acquisition if the application is submitted within 90 days of acquisition. If the application is submitted more than 90 days after the date of acquisition, the effective date of the transfer is the first day of the calendar quarter next succeeding the date of the application. **Colorado:** if, following a transfer of experience, the division determines that the sole purpose of the transfer of trade or business was solely or primarily to obtain a reduced liability for contributions, the division shall combine the experience rating accounts of the employers into a single account and assign a single rate to the account. **Washington:** combined rate effective starting with the calendar year after the acquisition. **Oregon:** effective date of the consolidation is on or before August 15 of the current year and the department is notified of the consolidation in writing prior to November 15 of the same year. **South Dakota:** successor assigned new employer rate if predecessor's experience is not assumed. **Utah:** reopening employer (closed at least 90 days) rate is average for all employers but not less than 1%.

# DISTRIBUTION OF BENEFIT CHARGES, VOLUNTARY CONTRIBUTIONS & FREQUENCY OF CHARGE NOTICES

When benefits drawn by a claimant are based on wages paid by more than one employer, charges are usually allocated among employers according to one of two theories. A few states charge all benefits to the claimant's most recent employer, following the theory that the employer responsible for the claimant's unemployment should bear full responsibility for financing it.

Most states charge each base period employer a share of the benefits in proportion to the share of base period wages it paid to the claimant. This theory assumes that those who paid the wages that made the benefits possible should be liable for the benefit charges. This second theory also explains the law in the few states which charge all benefits to the employer who paid the claimant the largest amount of wages.

States that charge employers in inverse order in which they employed the claimant (i.e., the most recent employer being charged first) appear to combine both theories. Under this system, the claimant's most recent base period employer is charged first, but the maximum charges to any one employer are limited to a specified amount.

In a number of states, benefit charges may be offset by voluntary contributions made to the fund. The purpose in states with reservation formulas is to increase the balance of contributions so that the rate assigned is lower than would otherwise apply. The lower rate can result in greater savings to the employer than the amount of the voluntary contributions.

States distribute notice of benefits charged to an employer's unemployment tax account so that the employer can review the information and protest any erroneous charges. Most states send quarterly notices but the frequency of notice in the remaining states varies greatly. Michigan and Wisconsin send weekly notices. New Hampshire sends out monthly charge notices (charge information is also available online for the current week or by individual SSN). Minnesota posts notices online weekly. Indiana, Maine, Massachusetts, New York, Ohio, Pennsylvania, Rhode Island and Vermont send notices monthly. California, Kansas, Nevada and North Carolina send annual benefit charge notices.

**Table 9 - DISTRIBUTION OF BENEFIT CHARGES WHEN CLAIMANT HAD MORE THAN ONE BASE PERIOD EMPLOYER, VOLUNTARY CONTRIBUTIONS**

States Using Benefits as a Measure of Experience	Basis on Which Base Period Employers Charged	Limits on Charges Per Employer	No Charges if Employment was Short-Term. Charges Omitted if Employer:	Voluntary Contributions Permitted
(1)	(2)	(3)	(4)	(5)
Alabama	proportional		X <sup>3</sup>	
Arizona	proportional		X <sup>3</sup>	X
Arkansas	proportional			X
California	proportional			X <sup>4</sup>
Colorado	inverse order of employment	1/3 wages, up to 1/3 of 26 x WBA per qtr	paid less than \$1,000 <sup>3</sup>	X
Connecticut	proportional		paid less than \$500 or X <sup>3</sup>	
Delaware	each employer charged the amount of benefit wages paid by that employer during the claim base period	\$18,500	X <sup>3</sup>	



**Table 9 - DISTRIBUTION OF BENEFIT CHARGES WHEN CLAIMANT HAD MORE THAN ONE BASE PERIOD EMPLOYER, VOLUNTARY CONTRIBUTIONS**

States Using Benefits as a Measure of Experience	Basis on Which Base Period Employers Charged	Limits on Charges Per Employer	No Charges if Employment was Short-Term. Charges Omitted if Employer:	Voluntary Contributions Permitted
(1)	(2)	(3)	(4)	(5)
D.C.	proportional			
Florida	proportional		paid less than \$100 or X <sup>3</sup>	
Georgia	most recent employer by legal definition	lesser of wages paid or minimum amount of claim		X <sup>4</sup>
Hawaii	proportional		X <sup>3</sup>	
Idaho	employer who paid largest amount of wages		X <sup>3</sup>	
Illinois	X <sup>1</sup>		X <sup>3</sup>	
Indiana	inverse order	in proportion to wages paid <sup>2</sup>	X <sup>3</sup>	X
Iowa	inverse order <sup>1</sup>	in proportion to wages paid		
Kansas	proportional		X <sup>3</sup>	X <sup>4</sup>
Kentucky	most recent 10 week employer <sup>1</sup>		employed claimant less than 10 weeks or X <sup>3</sup>	X <sup>4</sup>
Louisiana	proportional		X <sup>3</sup>	X
Maine	most recent		employed claimant 6 or fewer consecutive weeks <sup>5</sup>	X
Maryland	proportional		X <sup>3</sup>	
Massachusetts	inverse order	36% of wages		X
Michigan	proportional <sup>1</sup>	to BP wages paid, 1st 2 weeks paid by separating employer		X
Minnesota	proportional		paid base period wages less than \$500 or X <sup>3</sup>	X
Mississippi	proportional		X <sup>3</sup>	
Missouri	proportional		employed claimant 28 days or less, paid \$400 or less or X <sup>3</sup>	
Montana	proportional			
Nebraska	inverse order	lesser of 1/3 wage paid or maximum amount of regular claim plus 1/2 extended benefit amount		X
Nevada	employer who paid 75% of wages; if none, then proportional			
New Hampshire	most recent <sup>1</sup>		employed claimant 12 or fewer consecutive weeks	
New Jersey	proportional			X
New Mexico	proportional		X <sup>3</sup>	X
New York	proportional <sup>1</sup>		X <sup>3</sup>	X
North Carolina	proportional	X <sup>2</sup>	X <sup>3</sup>	X

**Table 9 - DISTRIBUTION OF BENEFIT CHARGES WHEN CLAIMANT HAD MORE THAN ONE BASE PERIOD EMPLOYER, VOLUNTARY CONTRIBUTIONS**

States Using Benefits as a Measure of Experience	Basis on Which Base Period Employers Charged	Limits on Charges Per Employer	No Charges if Employment was Short-Term. Charges Omitted if Employer:	Voluntary Contributions Permitted
(1)	(2)	(3)	(4)	(5)
North Dakota	proportional		X <sup>3</sup>	X <sup>4</sup>
Ohio	proportional		X <sup>3</sup>	X
Oklahoma	proportional	\$38,200 <sup>2</sup>	X <sup>3</sup>	
Oregon	proportional	1/3 wages	X <sup>3</sup>	
Pennsylvania	proportional		X <sup>3</sup>	X
Puerto Rico	proportional	X <sup>2</sup>		
Rhode Island	most recent		not in base period, or employed claimant less than 4 weeks at \$180 per week or X <sup>3</sup>	
South Carolina	most recent		paid less than 8 x WBA	
South Dakota	inverse order	in proportion to BP wages paid	paid less than \$100	X
Tennessee	proportional		X <sup>3</sup>	
Texas	proportional			X
Utah	proportional		X <sup>3</sup>	
Vermont	proportional		X <sup>3</sup>	
Virginia	last 30-day or 240 hour employer		employed claimant less than 30 days or 240 hours	
Virgin Islands	proportional			
Washington	proportional		X <sup>3</sup>	X <sup>4</sup>
West Virginia	proportional		X <sup>3</sup>	X
Wisconsin	proportional		proportional share of base period wages is less than 5% <sup>3</sup>	X <sup>4</sup>
Wyoming	proportional			

## FOOTNOTES FOR TABLE 9

1. **Illinois:** actual benefits paid are charged to the last employer who provided the claimant with 30 days employment (whether a base period employer or not), except that the last employer who pays wages allowing an individual to requalify after a disqualification will be charged even if the 30 day requirement is not met. **Iowa:** charged to the unemployment compensation fund after the chargeable employer provides the wages in order to remove the disqualification. The prior wages are now non-charged. **Kentucky:** can be non-consecutive weeks, dating back to the beginning of the base period. **Michigan:** employers who pay \$200 or less in wages to an employee in the base period of a claim will not have those charges applied against their tax accounts. Separating employer charged first two weeks of benefits only if they paid wages to claimant of at least \$2,072; \$2,282 for benefit years beginning 4/5/15; \$2,380 for benefit years beginning 7/3/16; \$2,492 for benefit years beginning 7/2/17; \$2,590 for benefit years beginning 7/1/18 and thereafter. **New Hampshire:** benefits paid following disqualification for voluntary quit, discharge for misconduct connected with work or refusal of suitable work will be charged to taxable employer who provides more than 12 consecutive weeks of employment subsequent to the disqualification as long as at least 5 weeks of sufficient requalifying wages have been earned from any subsequent employer. **New York:** last employer is charged 7 x claimant's WBA, thereafter benefits are charged in proportion to all base period employer accounts based on the BP wages paid claimant. The law now allows the last employer to reduce his charges from 7 x WBA depending on total remuneration paid by the employer to the claimant.
2. **Indiana:** not to exceed 28% of total wage credits. **North Carolina:** amount charged to an employer shall be multiplied by 120%. **Oklahoma:** maximum weekly benefit amount x 26 x 3. **Puerto Rico:** 50% to last employer and 50% to other base period employers in proportion to wages.
3. *Unless otherwise noted, in all footnoted states:* employers who employ a claimant part-time in base period, and continue to give substantially equal part-time employment are not charged for benefits. **Colorado:** does not charge an

## FOOTNOTES FOR TABLE 9

employer who employed an individual on a part-time basis during the base period and continues to use him or her in substantially the same manner. **Florida:** employers are not charged for benefits if they (a) provide part time work on substantially the same basis and in substantially the same amount as during the base period, and (b) the worker is eligible for partial benefits based on the loss of employment with another employer. This provision only applies to taxpaying, not reimbursable employers. **New York:** applies to any chargeable employer. **Tennessee:** effective April 1, 2013, this applies to taxpaying and reimbursing employers. **Washington:** if claimant quit second to last employer to accept work from the last employer and was subsequently laid off, the last employer (if a base year, taxable employer) gets all benefit charges. If an employer reports incorrect wages and/or hours, then later corrects that information which causes an invalid or reduced claim, that employer gets all benefit charges for the period that the higher, incorrect weekly benefit was paid. **Wisconsin:** not applicable if claim includes an out of state or federal employer.

4. **California:** not permitted for years in which rate schedule E or F is in effect, or in which additional surtax or solvency rates are in effect. Excludes new employers, negative balance employers, employers with outstanding liabilities, and employers assigned the maximum contribution rate plus 2% that obtain or attempt to obtain a more favorable rate of contributions due to deliberate ignorance, reckless disregard, fraud, intent to evade, misrepresentation, or willful non-disclosure. **Georgia:** employers cannot buy down unless they are eligible for a rate computation and not at the lowest tax rate. Employer must also file all required reports before buy-down is allowed. **Kansas:** positive balance employer rate reduction limited to 5 rate groups and negative balance employers may pay off their negative balance to get to rate group 51 and make additional payment to get to rate groups 50 through 47. **Kentucky:** Provisions apply - must have a negative balance and can only make a voluntary contribution every other year. **North Dakota:** contributions must be paid by April 30. **Washington:** 10% surcharge is added to the amount of voluntary contributions. Employers must have had a tax increase of at least 12 rates, and be willing to pay down four rates to be eligible. Contributions must be paid by February 15 of the tax rate year involved. **Wisconsin:** contributions must be paid by November 30 unless otherwise authorized, and reduction in rate because of voluntary contributions limited to one rate group except in cases where benefit charges were incurred due to layoffs resulting from a catastrophic event, other limitations apply to negative balance employers with a write-off.
5. **Maine:** Effective until March 14, 2014, then reverts back to 5 or fewer consecutive weeks.

# NON-CHARGED BENEFITS

Every state that charges benefits provides for relief of charges under particular circumstances. These “noncharging” provisions generally were enacted because certain charges seemed unreasonable. For example, the most common noncharging provision applies to benefits paid to a claimant who voluntarily quits his or her job with the chargeable employer. Some noncharging provisions represent compromises between those interested in keeping benefit costs down and others hoping to head off severe disqualification provisions.

Federal law has been interpreted as permitting noncharging under certain circumstances but not under others.

As Table 10 shows, the reasons for noncharging vary greatly from state to state. The volume of noncharged benefits may be negligible in some states and represent over half of total benefits paid in others. Some states have enacted special taxes specifically to finance the cost of noncharged benefits and other “pooled” costs. Most states, however, make no special provision and depend instead on higher tax schedules, triggered by lower fund levels, to make up the losses.

The major reasons for noncharging, as indicated by table 10, are for benefits paid following a disqualification for voluntarily leaving work without good cause, discharge for misconduct, or refusal of suitable work. Three other major categories of noncharging need some explanation.

Several states omit charges for reimbursements in the case of benefits paid under a reciprocal arrangement allowing the claimant to combine wage credits in 2 or more states. Most relieve the employer of charges for reimbursements only if the employer paid the claimant fewer wages than are necessary to qualify for benefits in the reimbursing state. Other states noncharge reimbursements paid under a combined-wage claim in another state to the extent that the benefits paid exceed those that would have been payable under the law of the reimbursing state.

Second, in a number of states, charges are omitted for benefits paid under a determination that was later reversed, regardless of whether the benefits are recovered. In a number of states, benefits that have been paid pursuant to an initial determination which was affirmed by the first-level appeals body are not considered overpayments even if the original determination is ultimately reversed.

Finally, forty-three states relieve employers of benefit charges based on a claimant’s part-time work with an employer who continues to employ the claimant to the same extent and on the same basis as during the base period. This situation usually involves benefits for partial unemployment resulting from loss of a principal job while the part-time job is retained.

**TABLE 10 - TYPES OF BENEFITS NOT CHARGED TO TAXABLE EMPLOYERS**

State (1)	Federal-State Extended Benefits (2)	Reimburse- ments to Oth- er States for Benefit Costs on Combined Wage Claims (3)	Benefits Paid Pursuant to an Early Decision Later Reversed (4)	Benefits Paid Following Disqualification			Employer Continues Claimant on Same Part- Time Basis as During Base Period (8)	Other <sup>5</sup> (see foot note 5 and as noted) (9)
				Voluntary Quit Without Good Cause (5)	Discharge for Misconduct (6)	Refusal of Suitable Work (7)		
Alabama	X <sup>4</sup>		X <sup>8</sup>	X	X <sup>21</sup>		X	X <sup>8</sup>
Arizona		X <sup>6</sup>	X	X <sup>12</sup>	X		X	X <sup>12</sup>
Arkansas <sup>1</sup>	X		X	X	X <sup>46</sup>		X	X <sup>25</sup>
California			X	X	X		X <sup>9</sup>	X <sup>13,26</sup>
Colorado <sup>1</sup>	X	X	X	X	X		X	X <sup>26,30,47</sup>
Connecticut		X	X	X <sup>12</sup>	X <sup>12</sup>	X <sup>22</sup>	X	X <sup>12,26</sup>
Delaware		X	X	X	X	X	X	X <sup>27</sup>
D.C.				X	X		X	X <sup>26</sup>
Florida			X	X	X	X <sup>22</sup>	X	X <sup>29</sup>
Georgia		X <sup>6</sup>	X <sup>9</sup>	X <sup>14</sup>	X <sup>14</sup>	X <sup>14</sup>		X <sup>30</sup>
Hawaii	X	X <sup>6</sup>		X	X	X	X	X <sup>30</sup>
Idaho	X	X <sup>6</sup>	X	X	X		X	
Illinois		X <sup>6</sup>	X	X <sup>15</sup>	X <sup>15</sup>	X <sup>15</sup>	X	X <sup>33</sup>

**TABLE 10 - TYPES OF BENEFITS NOT CHARGED TO TAXABLE EMPLOYERS**

State (1)	Federal-State Extended Benefits (2)	Reimburse- ments to Oth- er States for Benefit Costs on Combined Wage Claims (3)	Benefits Paid Following Disqualification				Employer Continues Claimant on Same Part- Time Basis as During Base Period (8)	Other <sup>5</sup> (see foot note 5 and as noted) (9)
			Benefits Paid Pursuant to an Early Decision Later Reversed (4)	Voluntary Quit Without Good Cause (5)	Discharge for Misconduct (6)	Refusal of Suitable Work (7)		
Indiana		X <sup>6</sup>	X	X	X		X	
Iowa	X	X <sup>6</sup>	X	X	X	X	X	X <sup>30</sup>
Kansas	X			X	X		X	X <sup>34</sup>
Kentucky <sup>2</sup>	X	X	X	X	X	X	X	X <sup>52</sup>
Louisiana	X <sup>4</sup>	X <sup>6</sup>	X	X <sup>15</sup>	X	X	X	X <sup>16</sup>
Maine <sup>1</sup>	X		X	X	X	X <sup>22</sup>	X	X
Maryland			X	X <sup>17</sup>	X <sup>17</sup>		X	X <sup>17</sup>
Massachusetts			X <sup>10</sup>				X <sup>10</sup>	X <sup>35</sup>
Michigan		X		X	X	X <sup>23</sup>	X	X <sup>36</sup>
Minnesota		X	X	X	X		X	X <sup>30</sup>
Mississippi				X	X	X <sup>22</sup>	X	X <sup>37</sup>
Missouri		X	X	X	X	X	X	X <sup>38</sup>
Montana	X		X <sup>8</sup>	X	X		X	X <sup>8,26</sup>
Nebraska <sup>26,51</sup>			X <sup>8</sup>	X	X		X	X <sup>8,26,51</sup>
Nevada	X	X <sup>6</sup>		X	X			X <sup>41</sup>
New Hampshire		X <sup>6</sup>	X	X <sup>15</sup>	X <sup>15</sup>	X <sup>15</sup>	X <sup>24</sup>	X <sup>26</sup>
New Jersey			X	X	X	X		X <sup>26,28</sup>
New Mexico	X		X	X	X	X	X	X <sup>26</sup>
New York	X <sup>4</sup>		X	X	X		X	X <sup>42</sup>
North Carolina <sup>1</sup>			X	X	X		X	X <sup>26,30</sup>
North Dakota <sup>26</sup>			X	X	X		X	X <sup>26,30</sup>
Ohio	X <sup>4</sup>	X	X	X <sup>16</sup>	X	X <sup>22</sup>	X	X <sup>16</sup>
Oklahoma			X	X	X	X	X	X <sup>43</sup>
Oregon	X <sup>45</sup>	X <sup>6</sup>	X	X	X		X	X
Pennsylvania		X	X	X	X		X	X <sup>44</sup>
Puerto Rico	X	X		X	X	X		
Rhode Island			X	X	X	X	X	X <sup>19</sup>
South Carolina	X	X	X	X	X	X <sup>22</sup>	X	X <sup>50</sup>
South Dakota	X		X	X	X			X <sup>7</sup>
Tennessee		X	X <sup>11</sup>	X	X		X <sup>10</sup>	X <sup>30</sup>
Texas			X	X <sup>18</sup>	X <sup>18</sup>			X <sup>30</sup>
Utah	X	X	X	X	X		X	X <sup>31</sup>
Vermont		X	X	X <sup>12</sup>	X	X	X	X <sup>12</sup>
Virginia		X						X <sup>32</sup>
Virgin Islands <sup>3</sup>								X <sup>26,49</sup>
Washington	X	X	X	X	X		X <sup>24</sup>	X <sup>41</sup>
West Virginia			X	X	X		X	
Wisconsin <sup>1</sup>	X <sup>4</sup>			X <sup>20</sup>	X	X <sup>22</sup>		X <sup>20,39</sup>
Wyoming	X		X	X	X		X	X <sup>30</sup>

## FOOTNOTES FOR TABLE 10

1. **Arkansas, Colorado, Maine, North Carolina, Wisconsin:** have special provisions or regulations for identifying the employer to be charged in the case of benefits paid to seasonal workers.
2. **Kentucky:** if timely protest filed within 15 days.
3. **Virgin Islands:** all benefits are charged to employer.
4. **Alabama, New York, Ohio, Wisconsin:** if benefits noncharged under regular benefit program, they are also noncharged under the Federal-State extended Benefits program. **Louisiana:** extended-benefits not reimbursed by federal funds are chargeable under state law.
5. Benefits paid to an individual who is in approved training shall not be charged to the employer's account in the following states: **Hawaii, Kansas, Louisiana, Maine, Massachusetts, Mississippi, Montana, Nebraska, New Hampshire, New Mexico, North Carolina, North Dakota, Oregon, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Wyoming.**
6. Charges for reimbursements on combined wage claims omitted in the following states— **Arizona, Illinois, Nevada, New Hampshire, Oregon:** if claimant was paid less than minimum qualifying wage; **Idaho, Indiana, Iowa, Oregon:** for benefits in excess of amount payable under state law; **Hawaii:** only in situations where claimant cannot qualify except if wages are combined. However, in **Georgia and Louisiana:** reimbursable employers are charged for reimbursements to other states for combined wage claims.
7. **South Dakota:** if discharged for inability or incompetence to successfully complete a 90-day probationary period; or if the employee is discharged for conduct mandated by a religious belief that cannot be reasonably accommodated by the employer; or if employee was paid \$100 or less during BP or if voluntarily separated to accompany a military spouse.
8. **Alabama:** benefits paid during weeks not covered under the Disaster assistance act are subject to charging. **Alabama, Nebraska:** credits overpayments upon discovery, (except for governmental and reimbursable employers who are credited on recovery), and **Montana:** relieves charges if the base period employer is ordered to state or federal active duty in the national guard or reserves. Benefits are non charged if the work was ruled unsuitable or if an employee was laid off as the result of the return of an employee who was called to military service.
9. **California:** employer not charged if employer responds in a timely manner to notice of claim filed. **Georgia:** employer not charged as long as employer does not fail to respond timely and adequately more than three times to all written department inquiries and overpayments result.
10. **Massachusetts:** does not apply to a reimbursable employer
11. **Tennessee:** benefits paid up until the time of a decision reversal are charged to the separating employer in cases where the separating employer did not respond timely to a request for information or the separating employer did not appear at a scheduled hearing, and, when the separating employer later appeals the decision and the decision is reversed in the employer's favor.
12. **Arizona, Vermont:** if claimant retired pursuant to mutually-agreed-upon plan; and **Arizona:** if claimant left for good personal cause; or if separation due to compelling personal reasons is not attributable to the employer. **Connecticut:** not charged if claimant left work to attend school; or quit to care for the individual's spouse, child, or parent with an illness or disability; or, due to the discontinuance of transportation other than the individual's personally-owned vehicle used to get to and from work, provided no reasonable alternative transportation is available; or for benefits paid due to natural disaster; or if employee was paid \$500 or less during BP; or if discharged for failing employer's lawful drug test; or to protect the individual, the individual's child, the individual's spouse or the individual's parent from becoming or remaining a victim of domestic violence, provided such individual has made reasonable efforts to preserve the employment; or if the individual left work to accompany such individual's spouse to a place from which it is impractical to commute due to a change in location of the spouse's employment. Also not charged if the individual left work with an employer which was outside his regular apprenticeable trade to return to work in his regular apprenticeable trade, left work solely by reason of government regulation or statute, left part-time work with an employer to accept other full-time work, or left a job to accompany a spouse who is required to relocate while on active duty with the U.S. armed forces.
13. **California:** claimant was a student who returned to school; or if claimant left work to accompany his/her spouse or his/her registered domestic partner to a new location; or if claimant voluntarily quit work for a substantially better job; or if claimant quit or was discharged for reasons connected with an irresistible compulsion to use or consume intoxicants.
14. **Georgia:** to reestablish eligibility for benefits the claimant must earn requalifying insured wages with a subsequent liable employer. If the separation from the subsequent employer is allowable, that subsequent employer will be subject to charge for benefits paid, within the limits indicated on table 9.
15. **Illinois:** benefits paid following a disqualification will be charged to the last employer who paid the wages which enabled the claimant to requalify. **Louisiana:** benefits charged after a requalification of a claimant shall not be charged against the experience-rating account of an employer when all of the following occur: (1) The employer timely filed a separation notice alleging disqualification. (2) Either a response to a notice of claim filed or a response to a notice to base period employer has been filed. (3) The separation of the employee from the employer was determined to be under disqualifying conditions. **New Hampshire:** benefits paid following disqualification will be charged to fund if 5 weeks of requalifying wages are earned but no new taxable employer has provided more than 12 consecutive weeks

## FOOTNOTES FOR TABLE 10

of employment subsequent to the disqualification.

16. **Louisiana, Ohio:** if employer was part-time or interim when claimant left to protect full-time or regular job.
17. **Maryland:** benefits not charged if the claimant: (a) voluntarily quit without good cause, to accept better employment, or to enter approved training, or (b) was discharged for gross or aggravated misconduct. Benefits also not charged if the employer participates in a work release program designed to give inmates an opportunity to work, and the unemployment was caused by the claimant being released from prison. Benefits also not charged for certain individuals who worked in declining industries and who are in approved training for demand industries. Such claimants in training after March 6, 2011 may be eligible for 26 weeks of additional benefits not charged to employer's accounts. For claims effective on or after October 1, 2012, if it is determined that the claimant left employment for good cause directly attributable to the claimant or the claimant's spouse, minor child, or parent being a victim of domestic violence as defined in the law.
18. **Texas:** benefits are not charged if the claimant quit or was discharged rather than provide services within the course and scope of his/her employment to an individual infected with a communicable disease if the employer made available to the claimant the facilities, equipment, training, and supplies necessary to permit the claimant to take reasonable precautions to preclude his infection with the communicable disease.
19. **Rhode Island:** benefits are not charged if unemployment is a result of physical damage to the real property at the employer's usual place of business caused by severe weather conditions or fire.
20. **Wisconsin:** not charged if quitting a part-time job because loss of full-time job made it economically unfeasible; or if quit concurrent jobs prior to layoff from 2nd job, if 2nd job more than 30 hours a week; or if a prisoner on work-release left due to parole; or if due to individual's health or that of an immediate family member; or if discharged for loss of license or bond needed for job; or if quit due to honorable discharge from military; or if quit to take another job; or a job paying a higher AWW while claiming partial benefits; or if quit because of domestic abuse or concerns about personal safety; or if quit to follow a spouse to a new job and new job is located where it is impractical to commute; or if employee is let go due to loss of license caused by the employee even if the license is reinstated as long as the employee does not return to work with employer; or if the employee quit the job within the first 30 calendar days if benefits could have been allowed under the Suitable Work Provisions had the employee originally refused the offer; or if the employee quits to accept a better new job in covered employment offered before quitting.
21. **Alabama:** omits all charges for misconduct with prior warning. Omits ½ of charges if discharge for minor misconduct without prior warning.
22. **Connecticut, Florida, Maine, Mississippi, Ohio, South Carolina, Wisconsin:** taxable employers not charged when there is a refusal of suitable reemployment.
23. **Michigan:** employer involved in refusal of work may be charged for any benefits paid after requalification, but benefits are reduced by 13 weeks.
24. **New Hampshire:** charges benefits to the most recent employer who provided 12 or more consecutive weeks of employment. The employer providing the same part time employment as during the base period will be charged if they are identified as the sole most recent employer. If the claimant has concurrent employment with another employer who can be identified as a most recent employer, the part time employer providing the same employment during the base period will not be charged. **Washington:** claimant must have been concurrently employed and subsequently separated from at least one other base year employer; relief also granted when two consecutive claims and the employee worked in both base periods; relief does not apply to Worksharing (Shared Work) employers.
25. **Arkansas:** does not charge BP employer when employment continues with same employer without a reduction in hours or earnings, law does not distinguish between full or part-time work.
26. The following states have provisions pertaining to domestic abuse/violence— **California, Colorado, Connecticut, District of Columbia, New Hampshire, New Jersey, New Mexico, North Carolina, North Dakota, Virgin Islands, Wisconsin:** employer is not charged for benefits paid when claimant can prove or has documented that the reason for leaving work was due to domestic violence/abuse; **Montana:** benefits are noncharged when the separation was due to actual or threatened domestic violence; **Nebraska:** no benefits charged to contributing employer if claimant left work to escape abuse or due to non-work connected illness or injury. Other nonchargeable benefits include if claimant left work voluntarily and is otherwise entitled to unemployment benefits or if claimant was involuntarily separated from employment. **Colorado:** if construction workers leave one job for another under certain conditions, if paid less than \$1,000 during base period; or when a claimant has been separated from a job because of an addiction to drugs and alcohol and has been or is being treated for such addiction; **Connecticut:** to protect the individual, the individual's child, the individual's spouse or the individual's parent from becoming or remaining a victim of domestic violence, provided such individual has made reasonable efforts to preserve the employment; **New Mexico:** dependents' allowances, school on a full-time basis, military spouse benefits, and domestic violence. **Nebraska:** benefits paid to certain construction workers leaving employment to accept other construction work are not charged to the first construction employer.
27. **Delaware:** if unemployed by reason of commitment to any penal institution, most recent employer not charged, and employers may receive credit for rehiring former employees within specified time period; also if a claimant quits employment: to accompany a spouse who has been transferred by their employer, to care for an ill or disabled spouse, child under age 18, or parent, or due to domestic violence.



## FOOTNOTES FOR TABLE 10

28. **New Jersey:** benefits may be noncharged if the claimant received benefits against two states, or a state and the federal government at the same time. Employers also noncharged if claimant received benefits fraudulently, or left work to attend training under the trade act of 1974 or WIA, or for additional benefits during training pursuant to the New Jersey Workforce Development Partnership act, or for benefits paid to a spouse of an active member of the armed forces who is forced to quit his or her job due to relocation of the military member outside of the State.
29. **Florida:** if discharged for unsatisfactory work during 90 day probationary period. In addition, employers are not charged for terminating an individual as a result of a natural disaster declared pursuant to the Disaster Relief act of 1974 and the emergency assistance amendments of 1988 or as a result of an oil spill, terrorist attack or other similar disaster not subject to a declaration under the Stafford Act. The employer's account can also be noncharged when a former employee refuses work because of training with the approval of the division. All base period contributory employers who have timely responded to the claim are noncharged for the benefits determined to be overpaid.
30. The following states have provisions pertaining to national disasters— **Colorado:** employer not charged if unemployed due to major, declared natural disaster; **Georgia, Iowa:** if unemployment is due directly to a presidentially declared natural disaster; **Hawaii, Minnesota, North Carolina, North Dakota, Tennessee, Texas, Wyoming:** if benefits paid were due to a natural disaster. Other nonchargeable benefits include— **Georgia:** trailing military spouses may quit to relocate upon the transfer of the military member spouse to a new duty station without disqualification. Contributory employers are not charged. Benefits charged to trust fund account; **Texas:** (1) layoffs resulting when the employee is called to active military service on or after January 1, 2003; (2) when a disaster declaration is made by the governor; (3) when the employee leaves the workplace for protection from family violence or stalking, and provides documentation; and (4) when employee was unable to perform work as a result of disability for which the employee is receiving disability insurance benefits; **Wyoming:** benefits noncharged if layoff due to a returning veteran.
31. **Utah:** for non-performance due to medical reasons.
32. **Virginia:** charges omitted if claimant voluntarily left work to accept another offer of employment; or if claimant left work due to a bona fide non-job-related injury or medical condition. Benefits may be noncharged if claimant separated from work as the result of a violation of the law which resulted in confinement in jail or prison; or for weeks claimed and received after claimant refused to accept an offer of rehire by employer because he was in Commission-approved training; or if an individual voluntarily left employment to enter approved training under Section 236 of the trade act of 1974; or if an individual was hired to replace a member of the Reserve of the United States armed Forces or National guard called to active duty in connection with an international conflict and whose employment was terminated due to that member's return from active duty; or an individual participated as an inmate in a state or local work release program whose separation from work arose from conditions of release or parole from the program; or an individual was unable to work due to a disaster, declared by the governor as a state of emergency, if the disaster forced the closure of the employer's business.
33. **Illinois:** does not charge the employer for the benefits that were paid during the period when the business was closed solely because of the entrance of the employer, one or more of the partners or of the employer or officers of the employer, or the majority stockholder of the employer, into the Illinois National guard or armed Forces of the United States. Employer not charged if the claimant's separation was the result of his incarceration or a violation of the Illinois Health Care Workers Background Check act.
34. **Kansas:** no contributing or rated government employer will be charged if their pro rata share of benefit charges is \$100 or less.
35. **Massachusetts:** not charged for dependents' allowances.
36. **Michigan:** contributing BP employer not charged if current wages paid by that employer equal or exceed that employer's benefit charges and employer reports that fact once in the benefit year; employer not charged if BP wages were \$200 or less. The state also pays benefits if the claimant leaves to follow a military spouse, or leaves unsuitable work within 60 days, but does not charge employer in either case.
37. **Mississippi:** if individual was hired to replace a serviceman called to active duty and individual was then laid off when the serviceman returned to work; if individual quit to accept other employment; if individual quit as advised by a physician; if individual receives benefits while in agency approved training, or; if benefits are paid in lieu of a waiting period.
38. **Missouri:** if claimant is paid \$400 or less by employer in base period; if employer reported claimant as probationary (worked 28 consecutive days or less); if claimant quit work determined not suitable within 28 days; if claimant was discharged as required because name on disqualification list from Department of Health and Social Services or the Department of Mental Health; if the claimant has a disqualifying finding under any of the background check lists in the family safety registry, has been found guilty, plead guilty or nolo contendere in any state of certain crimes, including crimes against a person, sexual offenses, abuse, etc.; if claimant quit temporary work to return to regular employment.
39. **Wisconsin:** noncharged for any benefits incurred by a taxable employer in a claimant's second benefit year if the claimant qualifies for a new claim in the second year but had no intervening employment with that employer since the start of the first benefit year. Employer not charged if earnings for a week are at least 6.4% of wages paid to that claimant during same quarter of prior calendar year. Benefits noncharged when the claimant quits to enter or continue



## FOOTNOTES FOR TABLE 10

approved training under TAA or WIA. If the claimant is disqualified from benefits under the substantial fault criteria, the wages earned at the time may be used in determining the claimant's eligibility for and amount of benefits should that claimant requalify for benefits. If the claimant requalifies then the employer is not charged for any benefit payments, but instead these benefits will be charged to the UI balancing account.

40. **Nevada:** not charged if benefits paid pursuant to election of an alternative base period following a period of temporary disability or rehabilitation; or if benefits are paid to the spouse of an active member of the armed forces who was transferred to a new location or if a claimant leaves his last or next to last employer to take other employment and leaves or is discharged by the latter employer benefits must not be charged against the employer's experience rating record.
41. **Washington:** credits overpaid benefits at time of discovery to other states and all taxable employers except local government. Regular taxable employers can request charge relief for benefits paid due to closure or work reductions from a natural catastrophe. Regular taxable employers automatically receive benefit charge relief for benefit paid under the temporary total Disability program for crime victims and for nonwork related injuries/illnesses; benefit paid to individuals who qualify after leaving work due to domestic violence or stalking of self or immediate family; and for an individual who quits work to attend approved apprenticeship training. Effective July 1, 2012, benefits are not charged from the date on which an individual is enrolled in an approved training benefits program. Effective October 20, 2013, an employer cannot be granted charge relief for a benefit overpayment if there is a pattern of failing to respond timely or adequately, without good cause, to the department's written request for information related to a claim. A pattern exists if the employer failed to respond at least 3 times in the prior 2 years or on at least 20% of the current claims against the employer.
42. **New York:** non-charging for claimants who were enrolled in a work release program where the work release employment was terminated because the inmate was required to relocate to another area as a condition of parole, or the inmate voluntarily relocated immediately upon release of parole from a correctional institution.
43. **Oklahoma:** employer can protest benefit wage charge if claimant: left work voluntarily without good cause; was discharged for misconduct; was a full-time or regularly scheduled part-time employee prior to the week they separated from another employer, and remained an employee of the company until paid benefits for the fifth compensable week of unemployment; was separated because of a major natural disaster declared by the President of the United States and would have been entitled to DUA if not eligible for unemployment benefits; was hired to replace a U.S. service person called to active duty, and was laid off upon his or her return; was discharged for unsatisfactory performance during an initial 90 day employment probationary period, if claimant was informed of the period within the first seven work days; was separated due to a medically verifiable illness or medical condition, or that of a minor child of the claimant; was separated because had to move to follow a spouse to another job; left work to escape domestic violence; left work to attend training approved under the trade act of 1974, and is allowed benefits pursuant to section 2-416 of the Oklahoma employment Security act. If an employer recalls a laid-off or separated employee and employee continues to be employed, voluntarily terminates employment or is discharged for misconduct within the benefit year, employer is entitled to have the benefit wage charges against their experience rating for employee reduced by the ratio of the employee's number of weeks of remaining eligibility to the total number of weeks of entitlement.
44. **Pennsylvania:** if unemployed due to a cessation of business, of up to eighteen months, caused by a disaster; left work without good cause attributable to employment; was discharged for refusing to submit to or pass a drug or alcohol test conducted pursuant to an established substance abuse policy.
45. **Oregon:** taxpaying political subdivisions are charged 50% of extended benefits.
46. **Arkansas:** does not charge an employer who discharged an individual who tested positive on a U.S. DOT drug screening conducted in accordance with the employer's written drug policy. Any benefit paid for any week of unemployment, based upon wages before the discharge, made after the discharge will not be charged to the discharging employer's account.
47. **Colorado:** does not charge an employers account in the following additional situations - a business closure because the owner is called to active military duty, a spouse's military transfer, a relocation due to spouse's death in combat, a change in location of spouse's employment, and a separation to care for a family member with illness or disability.
48. **New Hampshire:** added three conditions where an individual can voluntarily leave employment and be eligible for UI benefits. Such benefits are charged to the fund. An individual voluntarily leaving employment is deemed eligible if: (1) leave is due to pregnancy or to an illness or injury that is not work-related with written notice from a physician attesting the employee cannot perform work duties, (2) necessary to accompany his or her spouse to a place where it is impractical to commute, or (3) leave is due to illness or disability of an immediate family member as defined by the U.S. Department of labor.
49. **Virgin Islands:** an individual voluntarily leaving employment is deemed eligible if: (1) only seeking part-time work, (2) necessary to accompany his or her spouse to a place where it is impractical to commute, or (3) leave is due to illness or disability of an immediate family member, including the individual's spouse, children, grandchildren, parents, siblings, and parents-in-law.
50. **South Carolina:** non-charge for quitting work due to compelling family reason.
51. **Nebraska:** certain claimants in approved training can receive up to 26 additional weeks of benefits while in training.

## FOOTNOTES FOR TABLE 10

Benefits received during the additional 26 weeks are not charged to the employer.

52. **Kentucky:** claimant voluntarily quit his or her next most recent employment for the express purpose of accepting another bona fide job offer.

# TAX RATES

An employer's experience with unemployment is one determinant of the tax rate. Another is the tax rate schedule in effect. In most states, the balance of the unemployment fund dictates the applicable schedule each year. In some states a drop in the fund level may trigger additional solvency taxes, as well as a higher rate schedule.

In most states, the benchmarks for different rate schedules and solvency measures are expressed as specified percentages of last year's payroll, multiples of last year's benefit payout, or in specific dollar terms. In other states, the trigger points are multiples of particularly high benefit costs or there are specific formulas.

**TABLE 11 - LOWEST AND HIGHEST RATE SCHEDULES**

State	Lowest Schedule			Highest Schedule		
	Range of Rates (see footnote 2)		Fund Must Equal at Least	Range of Rates (see footnote 2)		If Fund Balance is Less Than:
	Min. %	Max. %		Min. %	Max. %	
(1)	(2)	(3)	(4)	(5)	(6)	(7)
Alabama	0.14	5.40	125% of desired fund balance <sup>1</sup>	0.59	6.74	70% of desired fund balance <sup>1</sup>
Alaska	1.00	5.40	Reserve multiple equals 2.9% <sup>1</sup>	1.00	5.40	Reserve multiple equals 3.0% <sup>1</sup>
Arizona	0.03	7.79 <sup>6</sup>	13% last year's payrolls	0.03	7.79 <sup>3</sup>	3% last year's payrolls
Arkansas	0.00	11.90	Greater than 5% of last year's total payroll	0.90	12.80	less than 4% of last year's total payrolls
California	0.10	5.40	1.8% payrolls <sup>15</sup>	1.30	5.40	0.6% payrolls
Colorado	0.51	6.28	0.014 or greater as a proportion of total wages reported by experience-rated employers	0.75	10.39	zero or deficit
Connecticut	0.50	5.40	Not specified	1.9	6.80	AHCM
Delaware	0.10	8.00	Not specified <sup>1</sup>	0.10	8.00	Not specified <sup>1</sup>
D.C.	0.10	5.40	3% of payrolls	1.80	7.20	0.8% of payrolls
Florida	0.10	5.40	5% of payrolls	0.10	5.40 <sup>3</sup>	4% of payrolls
Georgia	0.04	8.10	equal to or greater than 2.7% of payrolls <sup>4</sup>	0.04	8.10	less than 0.75% of payrolls
Hawaii	0.00	5.40	Adequate reserve fund <sup>1</sup>	2.40	6.60	0.2x adequate reserve fund <sup>1</sup>
Idaho	0.18	5.40	Average of the three highest benefit cost rates over the last 20 years multiplied by 1.20 for 2014	0.96	6.80	Average of the three highest benefit cost rates over the last 20 years multiplied by 1.20
Illinois	0.00	6.40 <sup>1</sup>	1 billion or greater <sup>7</sup>	0.00	6.40	\$1 billion <sup>7</sup>
Indiana <sup>17</sup>	0.10	2.10	1.6% payrolls	0.70	11.50	0.2% payrolls
Iowa	0.00	7.00	current reserve fund ratio over highest benefit cost rate <sup>1</sup>	0.00	9.00	current reserve fund ratio over highest benefit cost rate <sup>1</sup>
Kansas	0.07	7.40 <sup>1</sup>	X <sup>1</sup>	0.07	7.40 <sup>1</sup>	X <sup>1</sup>
Kentucky	0.00	9.00	-	1.00	10.00	\$150 million
Louisiana	0.09	6.00	\$1.4 billion	0.09	6.00	\$400 million <sup>16</sup>
Maine <sup>14</sup>	0.47	5.40	reserve multiple over 1.57 <sup>1</sup>	1.15	9.98	reserve multiple under 0.25
Maryland	0.30	7.50	Exceed 5% of taxable wages for 4CQs ending the preceding June 30	2.2	13.5	3% or less of taxable wages for 4CQs ending the preceding June 30

**TABLE 11 - LOWEST AND HIGHEST RATE SCHEDULES**

State	Lowest Schedule			Highest Schedule		
	Range of Rates (see footnote 2)		Fund Must Equal at Least	Range of Rates (see footnote 2)		If Fund Balance is Less Than:
	Min. %	Max. %		Min. %	Max. %	
(1)	(2)	(3)	(4)	(5)	(6)	(7)
Massachusetts	0.80	7.80	1.75% payrolls	1.58	15.40	0.5% payrolls
Michigan	0.06	10.3		0.06	10.3	
Minnesota	0.20	9.10	X <sup>12</sup>	0.50 <sup>1</sup>	9.40 <sup>1</sup>	X <sup>13</sup>
Mississippi	0.20	5.40	3% of taxable wages	0.20	5.40	3% of taxable wages
Missouri	0.00	5.40	more than \$750 million	0.00	9.75	\$350 million
Montana	0.00	6.12	2.60% payrolls	1.62	6.12	0.25% payrolls
Nebraska	0.00 <sup>1</sup>	X <sup>1</sup>	X <sup>1</sup>	0.00 <sup>1</sup>	X <sup>1</sup>	X <sup>1</sup>
Nevada	0.25	5.40	Not specified	0.25	5.40	Not specified
New Hampshire	0.10	2.70	\$250 million	2.80	9.5	\$250 million <sup>1</sup>
New Jersey	0.1825	5.40	3.5% payrolls	1.1825	7.5825	1.00% payrolls
New Mexico	0.33	5.40	X <sup>1</sup>	0.33	5.40	X <sup>1</sup>
New York <sup>8</sup>	0.00	5.90	higher of payrolls for last year or 5-year avg.	0.90	8.90	higher of payrolls for last year or 5-year avg. <sup>5</sup>
North Carolina	0.06	5.76	greater than 1.25% of Trust Fund balance as percentage of Total Insured Wages	0.06	5.76	less than or equal to 1% of Trust Fund balance as percentage of Total Insured Wages
North Dakota	0.10	not specific <sup>10</sup>	300% from a standard margin of error	not specific <sup>10</sup>	not specific <sup>10</sup>	300% from a standard margin of error
Ohio	0.00	6.30	30% or more above minimum safe level <sup>1</sup>	0.30 <sup>9</sup>	6.70 <sup>9</sup>	60% or more below minimum safe level <sup>1</sup>
Oklahoma	0.01	5.50	3.5 x 5 year average amount of benefits	0.20	7.30	less than 2x5 years average benefits paid
Oregon	0.5	5.40	200% of fund adequacy percentage ratio	2.2	5.40	under 100% fund adequacy percentage ratio
Pennsylvania	2.801	10.8937	X <sup>1</sup>	5.9540	15.0977	X <sup>1</sup>
Puerto Rico	1.40	5.40	\$589 million	0.50	5.40	\$370 million
Rhode Island	0.39	6.79	the higher of 6.4% of total payrolls for last year, or the 3-year avg.	1.69	9.79	the higher of 2.75% of total payrolls for last year, or 2.75% of the 3-year avg. total payrolls
South Carolina	0.06	6.030	changes based on benefit charges, loan payments	0.06	6.030	changes based on benefit charges, loan payments
South Dakota	0.00	9.50	\$11 million	1.50	11.00	\$5.5 million
Tennessee	0.01	10.00	\$850 million	0.50	10.00	\$450 million
Texas	0.00	6.00	2% taxable wages for 4 CQs ending the preceding June 30	0.00	6.00	\$400 million or 1% taxable wages for 4 CQs ending the preceding June 30
Utah	0.30	7.30	-	1.30	7.30	- <sup>15</sup>
Vermont	0.40	5.40	2.5 x highest benefit cost rate <sup>1</sup>	1.30	8.40	1.0 x highest benefit cost rate <sup>1</sup>
Virginia	0.00	5.40	1.14% of most recent fiscal year's total wages	0.30 <sup>2</sup>	6.40 <sup>2</sup>	0.48% of most recent fiscal year's total wages
Virgin Islands	0.10	9.00	-	5.40	9.00	-
Washington <sup>11</sup>	0.14	5.82	-	No longer has schedules		
West Virginia	0.00	7.50	3.0% of gross covered wages	1.50	7.50	.0175% of gross covered wages

**TABLE 11 - LOWEST AND HIGHEST RATE SCHEDULES**

State	Lowest Schedule			Highest Schedule		
	Range of Rates (see footnote 2)		Fund Must Equal at Least	Range of Rates (see footnote 2)		If Fund Balance is Less Than:
	Min. %	Max. %		Min. %	Max. %	
(1)	(2)	(3)	(4)	(5)	(6)	(7)
Wisconsin	0.00	10.70	\$1.2 billion	0.07	10.70	\$300 million
Wyoming	0.00	8.50 <sup>2</sup>	3.5% payrolls	0.63	10.0	3.5% payrolls

**FOOTNOTES FOR TABLE 11**

- Alabama:** when computing the desired level of the fund, the highest benefits payroll ratio in the ten most recent preceding fiscal years is used. **Alaska:** reserve ratio is the ratio of the fund's balance on 09/30 to total payrolls for year ending 6/30. **Delaware:** yearly rate variations from a single table are determined by state experience factor. **Hawaii:** adequate reserve fund defined as 1.69 x highest annual benefit cost rate during last 10 years multiplied by total taxable payroll for same year. **Illinois:** maximum contribution rate is the greater of 6.4% or the product of 6.4% and the adjusted state experience factor. The adjusted state experience factor for 2015 is 118%, so the maximum rate is 7.6% (not including the fund building surcharge of 0.55% which is also added to the minimum rate. **Iowa:** highest benefit cost rate determined by dividing total benefit payments during past 10 years by wages paid during last year. **Kansas:** no fixed rate schedules, positive balance employers' rates are adjusted annually by considering the ratio of fund balance to total payroll with a max of 5.4%. Negative balance employers pay 5.4% plus a surcharge from 0.10% to 2.00% depending on the size of employer's negative reserve ratio. **Minnesota:** additional assessment of a percentage of tax due of 5, 10 or 14%, based upon the level of the state trust fund as of march 31st prior. **Nebraska:** law provides for a goal of the state's reserve ratio (combined balance of the Unemployment trust Fund and State Unemployment insurance trust Fund) being 0.85% or more of total wages paid in covered employment, but less than 1.00% of total wages paid in covered employment; rates set by agency in accordance with statutory requirements. **New Hampshire:** higher rate schedule used whenever benefits charged exceeds contributions paid in any year. Lowest rate schedule is used for positive balance employers. Highest rate schedule is used for negative balance employers. A third tax rate schedule was added for "chronically" negative balance employers. Fund balance reductions for positive balance employers will be determined on a quarterly basis by determining the trust fund balance during the preceding calendar quarter. The trust fund discount thresholds are: minus 0.5% from positive balance employers contribution rate when the fund equals or exceeds \$250 million, 1.0% when the fund equals or exceeds \$275 million, and 1.5% when the fund equals or exceeds \$300 million. **New Mexico:** The benefit ratio (dividing the employer's claims experience over the previous three years by the employer's taxable payroll over the same time period) is multiplied by a "reserve factor", which is set by the Department of Workforce Solutions based on the solvency of the Unemployment Trust Fund. The "reserve factor" can be as low as 0.5 and as high as 4.0. For calendar year 2015, the reserve factor will be 4. The "reserve factor", set by the director of the NMDWS Unemployment Insurance Bureau, is: 1) Adequate reserves = 1.0000, 2) More than adequate reserves = Between 0.50000 and 0.9999, 3) Less than adequate reserves = Between 1.0001 and 4.0000. Excess Claims Premium - The new calculation includes an excess claims premium, which is capped at 1% of taxable payroll. Should your contribution rate exceed 5.4% prior to adjusting the 5.4% maximum rate, an Excess Claims Rate will be added. The excess Claims Rate is your pre-adjusted contribution rate minus 5.4% and then multiplied by 10%. The Excess Claims Rate cannot exceed 1%. The Excess Claims Premium is then determined by multiplying the Excess Claims Rate by your taxable payroll. **Ohio:** min safe level is defined as an amount equal to the average benefit payouts of all years since 1970, plus 2 standard deviations above the average payment. **Pennsylvania:** no rate schedule; employers' rates are based on six different factors and are set by authorized agency. **Vermont:** highest benefit cost rate determined by dividing highest benefit amount paid during any 12-month period in past 10 years by total wages during 4 calendar quarters ending within that period.
- These states include solvency, subsidiary, supplemental, emergency, or balancing fees which are usually triggered by fund levels and added uniformly (except in **Florida** and **New York**) to each employer's rate. **Alabama, Alaska, Arizona, Arkansas, Colorado, Connecticut, Delaware, District of Columbia, Illinois:** fund building, federal penalty tax avoidance fees. **Florida:** solvency factor does not apply to employers at the initial or max rate, or to those with no individual benefit ratio. **Iowa:** negative balance fee. **Kentucky:** if P&I fund is insufficient to pay interest on advances. **Louisiana:** if federal advances are due. **Maryland:** delinquent employers fee. **Michigan:** solvency tax triggered when there are unpaid, interest bearing federal loans. Tax is applied to negative-balance employers. **Massachusetts, New Hampshire:** if an emergency exists. **Missouri:** rates can include a percentage increase or decrease depending on the average fund balance and an additional surcharge for max rated employers. **New Jersey:** the highest rate schedule automatically includes a solvency surtax of 10%. **New York:** the subsidiary tax, based on the balance of the general account, is applied to an employer based on his or her individual UI experience. **North Carolina:** based on balance in state reserve fund. **Ohio, Oklahoma, Rhode Island:** investment fee. **South Dakota:** the highest schedule includes a

## FOOTNOTES FOR TABLE 11

solvency tax. **Texas, Washington, West Virginia, Wisconsin:** administrative fees, although statutorily authorized, have not been levied since 2008. **Virginia:** plus pool tax. **Wyoming:** plus adjustment factors.

3. **Arizona:** an additional surcharge of 1.0% or 2.0% can be added to the rate of an employer participating in the Shared Work Program. **Florida:** an additional percentage of 1.0% can be added to the rate of an employer participating in the Short time Compensation program.
4. **Georgia:** actual individual rates are reduced when fund level equals or exceeds 2.4%, subject to further reductions based on computation. 2015 rates are dictated by special solvency provisions.
5. **New York:** an employer with a negative account balance that exceeds 21% of the taxable payroll for the preceding payroll year will be assigned the maximum tax rate for a three year period.
6. **Arizona:** subject to adjustment in any given year when yield on computation date exceeds or is less than the estimated yield from the rates without adjustment.
7. **Illinois:** for use in calculating the contribution rates for 2005 and each year thereafter, for every \$50 million by which fund falls below \$1 billion, experience factor increases by 1%; for every \$50 million by which fund exceeds \$1 billion, experience factor decreases by 1%, but the experience factor may not be increased by more than 16% nor be decreased by more than 12% in any year. Further, for 2013 through 2015, the adjusted state experience factor shall be increased by 5% over the above calculation.
8. **New York:** if an employer fails to file all required quarterly tax reports by the state's quarterly deadline, a penalty of either 5% of the amount of delinquent tax due for up to 5 months, or a penalty of \$50 times the number of employees required to be reported, will be assessed. The penalty, which in no case may be less than \$100, will be determined based on the employer's prior reporting history.
9. **Ohio:** plus an additional rate determined pursuant to 4141.25(B)(6)(g). These rates do not include a mutualized contribution rate, which is determined pursuant to 4141.25(B)(5).
10. **North Dakota:** lowest schedule - max percentage is set so that all the rates combined generate the average required rate. Highest schedule - min percentage is the positive min rate plus 6%; max percentage is the negative min rate plus 3.60%, but not less than 5.40%.
11. **Washington:** uses an array of rate classes with different rates instead of a rate schedule system, comprised of a graduated social cost factor rate (or "social tax rate") and an experience tax rate, combined to set the employer's total UI tax. The social tax rate is calculated by using a percentage of a "flat social tax". The flat rate is determined by subtracting total taxes paid by all employers in the prior state fiscal year from total benefits paid to claimants over the same time period and dividing that number by total taxable payrolls. This results in a percentage that is multiplied by a variable factor ranging from 40% to 120% depending on the rate class. For qualified employers in 2015, the combined experience and social tax cannot exceed 6.0%, and only 5/4% for specific industries (agriculture, fishing, food processing & warehousing). Delinquent employers are not qualified employers, so their rate exceeds maximum listed.
12. **Minnesota:** depends on amount in trust fund on march 31st of prior year as a percentage of total wages in covered employment.
13. **Minnesota:** depends on amount in trust fund on march 31st of prior year being less than .55% of total wages paid in covered employment.
14. **Maine:** Schedules a - g are adjusted by Competitive Skills Scholarship Fund (CSSF) rate, except for maximum rate of 5.4%. Schedule H is not adjusted by CSSF rate.
15. **California:** Fund must be greater than 1.8% of payrolls.
16. **Louisiana:** with a 10% reduction on the basic rate if trust fund is equal to or greater than \$400 million.
17. **Indiana:** based upon 2011 legislation, Indiana will not utilize this rate determination method through 2020.



**Table 12 - MINIMUM & MAXIMUM U.C. TAX RATES, 2015**

Current Tax				Current Tax			
State	Minimum	Maximum	Taxable Wage Base	State	Minimum	Maximum	Taxable Wage Base
Alabama <sup>1</sup>	2.19%	8.34%	\$8,000	Nebraska	0.00%	5.40%	\$9,000
Alaska <sup>1</sup>	1.00	5.40	38,700	Nevada	0.30 <sup>1</sup>	5.40	27,800
Arizona <sup>2</sup>	0.03	7.79	7,000	New Hampshire	0.60 <sup>6</sup>	8.50 <sup>6</sup>	14,000
Arkansas <sup>1</sup>	1.20	12.80	12,000	New Jersey <sup>2</sup>	1.20 <sup>1</sup>	7.00	32,000
California <sup>1</sup>	1.60	6.20	7,000	New Mexico	0.10	6.40	23,400
Colorado <sup>2</sup>	0.62	8.15	11,800 <sup>13</sup>	New York <sup>1,2</sup>	2.10	9.90	10,500
Connecticut <sup>1</sup>	1.90	6.80	15,000	North Carolina	0.072 <sup>2</sup>	6.852 <sup>2</sup>	21,700
Delaware <sup>1</sup>	0.30	8.20	18,500	North Dakota	0.10	9.70	35,600
D.C. <sup>11</sup>	1.80	7.20	9,000	Ohio <sup>5</sup>	0.30	8.60	9,000
Florida	0.0024	5.40 <sup>4</sup>	7,000	Oklahoma	0.10	5.50	17,000
Georgia <sup>1</sup>	0.04	8.10	9,500	Oregon	1.50 <sup>13</sup>	5.40	35,700
Hawaii	0.20	5.80	40,900	Pennsylvania <sup>1,2</sup>	2.801	10.8937	9,000
Idaho <sup>1</sup>	0.453	5.40	36,000	Puerto Rico	3.40	5.40	7,000
Illinois <sup>1,3</sup>	0.55	8.15	12,960	Rhode Island	1.69	10.00	21,200 <sup>12</sup>
Indiana <sup>1</sup>	0.50	7.5480	9,500	South Carolina <sup>2</sup>	0.089	6.030	14,000
Iowa	0.00	7.50	27,300	South Dakota <sup>1</sup>	0.00	10.03	15,000
Kansas	0.11	7.40	12,000	Tennessee	0.15	10.00	9,000
Kentucky	1.00	10.21	9,900	Texas <sup>1</sup>	0.47	7.49	9,000
Louisiana <sup>1</sup>	0.10	6.20	7,700 <sup>8</sup>	Utah	0.30	7.30	31,300
Maine	0.74	6.86	12,000	Vermont <sup>14</sup>	1.30	8.40	16,400
Maryland	0.60	9.0	8,500	Virginia	0.44	6.54	8,000
Massachusetts	0.73	11.13	15,000	Virgin Islands	1.50	6.00	22,900
Michigan <sup>1</sup>	0.74	12.70	9,500	Washington	0.17 <sup>2</sup>	5.84 <sup>2</sup>	42,100
Minnesota	0.10	9.10	30,000	West Virginia	1.50	8.50 <sup>1</sup>	12,000
Mississippi	0.20	5.560	14,000	Wisconsin <sup>1</sup>	0.27 <sup>10</sup>	12.00 <sup>10</sup>	14,000
Missouri <sup>7</sup>	0.00	9.75 <sup>1</sup>	13,000 <sup>9</sup>	Wyoming	0.27	8.770	24,700
Montana <sup>1</sup>	0.42	6.30	29,500				

## FOOTNOTES FOR TABLE 12

- The rates include additional taxes or fees in the following states — Alabama:** employment security assessment (ESA) of 0.06% not included in rates above, but a 1.6% shared cost assessment is included. **Alaska:** an employee tax of 0.58% not included. **Arkansas:** 0.80% stabilization tax and 0.10% extended benefit tax, but an additional 0.2% advance interest tax triggered on April 1, 2011. **California:** 15% emergency solvency surcharge. **Connecticut:** solvency tax of 1.4%. **Delaware:** 0.20%. **Georgia:** 0.08% assessment on all rates except 0.04% and 8.10%. **Idaho:** minimum tax rate is an aggregate of three components. Unemployment Contributions is 0.254%, and the Workforce Development Fund is 0.008%. administrative Reserve Fund is in effect for 2015. No administrative Reserve Fund or Workforce Development Fund components are charged against the highest rate and all of the 5.4% is for Unemployment Contributions. Unemployment contributions is 80% of the rate, 17% of the rate is for Administrative Reserve Fund, 3% is for Workforce Development Fund. No Workforce Development Fund is charged to the highest rate. **Illinois:** includes 0.55% fund building rate. **Indiana:** when current tax includes surcharge and delinquency rate, Minimum is 0.515% and Maximum is 9.622%. **Louisiana:** supplemental social charge for workforce development and integrity funds. **Michigan:** includes Obligation Assessment on all contributing employers to pay off bonds and interest on those bonds. Ranges from 0.68% for employer with minimum tax rate of 0.06% to 2.40% for employer with minimum tax rate of 10.3%. **Missouri:** includes percentage increase based on the average fund balance and highest surcharge for max-rated employer. **Montana:** includes administrative fund tax of 0.13% for experience employers with a contribution rate of 0.0%, 0.18% for experience rated employers with contribution rate greater than 0.0%, and 0.08% for reimbursable employers. Beginning 07/01/08, governmental rated employers will pay 0.09%. **Nevada:** 0.05% career enhancement tax. **New Jersey:** 0.1175% for workforce development. **New York:** minimum rate includes 0.525% subsidiary; maximum rate includes 0.925% subsidiary. **Pennsylvania:** regular maximum 8.7%, minimum 1.0%, and delinquent employer rate increase of 3.0%; adjusted by a solvency trigger mechanism of 5.1% plus an additional contributions tax of 0.65% and interest Factor tax of 1.1%. **South Dakota:** includes investment fee of 0.0% to 0.53%. **Texas:** effective tax rate for

## FOOTNOTES FOR TABLE 12

CY2015 = general tax Rate (GTR) + Replenishment tax Rate (RTR) + Employment & training assessment + Deficit tax (DT) + the Obligation assessment. Therefore, minimum tax of  $0.47 = 0.00 + 0.31 + 0.1 + 0.00 + 0.06$  and maximum tax of  $7.49 = 6.00 + 0.31 + 0.1 + 0.0 + 1.08$ . **West Virginia:** maximum includes a 1.0% surtax for all debit reserve balance employers or new foreign businesses engaged in construction trades. **Wisconsin:** minimum and maximum solvency taxes, maximum to 1.30% (Schedule A).

2. **The rates do not include additional fees or penalties in the following states—** **Arizona:** additional surtax of 1.0% or 2.0% will be added to the tax rates of shared work employers with negative reserve account balances. Statutory authority states that the rates shall be adjusted proportionately if the estimated required tax yield from employers exceeds or is less than the estimated yield from the rates without adjustment. **Colorado:** excludes solvency surcharge for rated employers with a benefit charge balance of less than \$100 in the last three fiscal years. **New Jersey:** effective January 1, 2014, additional employee tax of 0.3825% of taxable wages, not to exceed \$120.49 per year. **New York:** rates do not include 0.075% re-employment tax, which applies to all tax rated employers. In addition, if an employer fails to file all required quarterly tax reports by the state's quarterly deadline, there will be imposed a penalty of five percent of the amount of contributions required if the failure is for not more than one month, and an additional five percent for each additional month or fraction thereof during which the failure continues, not to exceed twenty-five percent. The minimum penalty shall not be less than \$100 for each occurrence. **North Carolina:** a 20% surtax applies when the UI trust fund is below \$100,000,000 on August 1 of the previous year. **Pennsylvania:** an employee tax of 0.07% in 2015. **South Carolina:** this rate includes a flat 0.06% administrative contingency fee plus an interest surcharge that is experience rated over twenty categories (0.035%-0.455%). **Washington:** minimum experience rated tax is 0.0%, the graduated social cost rate is 0.14%, the employment administrative tax is 0.02%, and the administrative tax is 0.01%, for a total of 0.17%. The maximum experience rated tax for qualified employers is 5.4%, the graduated social cost rate is 0.42%, and the employment administrative tax is 0.02% for a total of 5.84%.
3. **Illinois:** an employer whose contribution rate is 5.5% or higher and whose total quarterly wages are less than \$50,000 pays contributions of 5.4% in that quarter.
4. **Florida:** short-time compensation maximum, 6.40%.
5. **Ohio:** the penalty rate for delinquent employers is 10.6%.
6. **New Hampshire:** includes both the emergency Power Surcharge of 0.5% and an emergency Surcharge of 0.5% for a combined 1.0% surcharge added to the base rate of all employers for all four quarters of 2011 and the first three quarters of 2012. One of the 0.5% Emergency Surcharges was removed beginning with the fourth quarter of 2012. An additional 1.5% surcharge also applies to all negative rated employers. The maximum rate increased to 9.5%. Fund Balance Reductions are only given to positive balance employers whose tax rates are 2.7% or less, and to new employers who have yet to receive an earned merit or experience rate. Fund balance reductions for positive balance employers will be determined on a quarterly basis by determining the trust fund balance during the preceding calendar quarter. The trust fund discount thresholds are: minus 0.5% from positive balance employers contribution rate when the fund equals or exceeds \$250 million, 1.0% when the fund equals or exceeds \$275 million, and 1.5% when the fund equals or exceeds \$300 million.
7. **Missouri:** rates can include a percentage increase or decrease depending on fund balance and an additional surcharge up to 1.5% for maximum rated employers. Workshare employers can have a maximum rate of 13.65%.
8. **Louisiana:** annual wage base varies according to trust fund balance.
9. **Missouri:** if the average fund balance is \$350 million or less, the wage base will increase by \$1,000; if the average fund balance is \$650 million or more, the wage base will be reduced by \$500. The wage base is limited to no lower than \$7,000 and no higher than \$13,000.
10. **Wisconsin:** the stated rates apply to employers with payrolls less than \$500,000. For employers with payrolls of \$500,000 or more, the minimum rate is 0.70%, and the maximum rate is 10.0% (Schedule A).
11. **District of Columbia:** employer tax rates increased to table V from table IV.
12. **Rhode Island:** for 2013 and later: if the employer is in the highest tax group (9.79%), the taxable wage base will be \$1,500 higher than the wage base for employers in the lower tax groups. For 2015, that figure will be \$22,700.
13. **Colorado:** wage base adjusted by change in average weekly earnings as computed on July 1 of each year.
14. **Vermont:** subject to change each January 1, due to indexing and schedule adjustments per Title 21, 1321(b).



# SURTAXES UNDER STATE UNEMPLOYMENT INSURANCE LAWS

In addition to the factors described in tables 11 and 12 and the accompanying text, the total amount of taxes an employer must pay is affected by extra taxes or surtaxes. Surtaxes have been adopted to respond to actual or potential funding emergencies; repay federal advances or other loans; cover administrative costs for which federal grants are either not available or inadequate; finance extended benefits; establish training placement services for claimants; and limit the potential indebtedness of negative balance, shared work, and reimbursable employers.

As used in table 13, “surtax” means an extra tax, or a tax in addition to the regular, “overall” unemployment insurance tax. “Surtax” does not include socialized costs or statewide experience factors. Although often computed separately and added to employers’ basic rates, these factors are integral parts of the overall rate determination formula. Nor does “surtax” include penalty rates, such as those assessed against delinquent employers.

As table 13 shows, not all surtaxes are permanent, not all apply equally to all employers, and not all states require them.<sup>6</sup>

**Table 13 - SURTAXES UNDER STATE UNEMPLOYMENT INSURANCE LAWS**

State <sup>1,6</sup>	Surtax	Amount <sup>2</sup>	Period or Conditions	Purpose
(1)	(2)	(3)	(4)	(5)
Alabama	Employee security enhancement assessment	0.06% <sup>3</sup>		Claimant placement, admin. costs, econ. development
Alaska	Fund solvency adjustment	0.40-1.10% <sup>3,5</sup>	Triggered by specified fund reserve ratio	Solvency
Arizona	Employee tax	0.62%		Solvency
	Job training assessment	0.10% <sup>22</sup>	Applies to all Rated Employers	
	Additional	1-2%	Applies only to shared work employers with negative reserve account balances	
	Fund Solvency Adjustment	0.40-0.80%	In effect for Calendar Years 2011-2012	Solvency
			Although this is assessed on taxable wages paid in 2011 and 2012 only, delinquent amounts due remain due until paid.	

**Table 13 - SURTAXES UNDER STATE UNEMPLOYMENT INSURANCE LAWS**

State <sup>1,6</sup>	Surtax	Amount <sup>2</sup>	Period or Conditions	Purpose
(1)	(2)	(3)	(4)	(5)
Arkansas <sup>1</sup>	Stabilization tax	0.10-0.80% <sup>3</sup>	When fund above 5% payrolls - when fund below 0.4% payrolls	Solvency
	Advance interest tax	0.20%	When state has outstanding interest-bearing advance under Title XII	To pay interest due on outstanding Title XII Advances
	Extended benefit tax	0.10% <sup>2</sup>	When EB account below 0.2% of payrolls	Pays EB non-charged cost
California	Employment training	0.10%	See footnote 19	Training and admin costs <sup>1</sup>
	Emergency solvency	1.15% of ER's rate in schedule F	Fund below .6% payrolls	Solvency
Colorado <sup>1</sup>	SUTA	Max. Rate plus 2%	See footnote 20	Solvency
	Solvency tax	0.1-2.7% <sup>3</sup>	See footnote 8	Solvency
Delaware <sup>1</sup>	Supplemental solvency assessment	0.20%		Solvency
	Training tax	% based on taxable wage base <sup>3</sup>		Counseling, training, placement of workers
D.C.	Interest surcharge	0.10%	When fund has loans outstanding with interest liability	Solvency
Georgia	Admin. assessment <sup>16</sup>	0.2% <sup>18</sup>	Each quarter	Admin. costs
	Admin. assessment	0.08% <sup>3</sup>	Min. and max. rates exempt	Admin. costs
	Solvency increase	50%	Applies to all rates	Solvency
Hawaii	Employment and training fund tax	0.01% <sup>3</sup>	Permanent	Employment assistance and training
Idaho <sup>1</sup>	Workforce development training fund	3.00%	Expires 1/1/2018	Training
	Reserve fund	17.00%	Triggered with both items included and the reserve balance falls below half the trust fund balance	Interest for Admin.
Illinois	Fund building tax	0.55%		Solvency
Indiana	UI Surcharge <sup>3</sup>	2% of employers' contributions for the calendar year <sup>3</sup>	If state required to pay interest on FUA loans	Pay interest due
Iowa <sup>1</sup>	Reserve Fund Contribution	up to \$50 million <sup>3</sup>	Applies only to build reserve fund up to \$150 million	Interest used for Workforce Field Offices <sup>10</sup>
Kansas	Surcharge	0.10-2.00%	Applies only to negative balance employers with 2 or more years experience	Limit negative deficit
Kentucky	Surcharge	0.21%		Solvency

**Table 13 - SURTAXES UNDER STATE UNEMPLOYMENT INSURANCE LAWS**

State <sup>1,6</sup> (1)	Surtax (2)	Amount <sup>2</sup> (3)	Period or Conditions (4)	Purpose (5)
Louisiana <sup>1</sup>	Solvency tax	Up to 30% of contributions <sup>3</sup>	When fund under \$100 mil. or if interest is due on any advance federal monies	Solvency
Maine	Competitive Skills Scholarship Fund (CSSF)	0.06%	Reduces UI contributions rate for all schedules except H or when maximum rate is 5.4%	Training
Massachusetts	Advance interest tax Contribution	Established by Commissioner if interest is due .06% <sup>3</sup>	When state has outstanding interest-bearing advance under Title XII Adjustment made if yearly collection exceeds \$18 million	Pay interest due on Federal loans Training and technical assistance
Michigan	Solvency tax	Up to 2%	Applies only to neg. bal. employers with more than 2 years liability if the Agency has outstanding federal interest-bearing loans that have not been forgiven or postponed under federal law	Pay interest due on Federal loans
Minnesota <sup>21</sup>	Interest on loans surcharge	0-8% of tax due	Triggers when trust fund is borrowing and has to pay interest	Pay interest due on loans
	Workforce Development assessment	0.10% of taxable wages		Replenish training fund for dislocated workers
Mississippi	Workforce Investment and Training	0.16% of taxable wages	Suspended if the insured unemployment rate exceeds an average of 5.5% for the 3 consecutive months immediately preceding the effective date of the new rate year.	Training to enhance productivity
Missouri	Additional rates	10-30% <sup>13</sup> depending on avg. fund balance and 0.25-1.5% additional surcharge for max rated employer.	10% when funding below \$450 mil.; 20% when below \$400 mil.; 30% when below \$350 mil. Surcharge of 0.25% added if max-rated for prior 2 years; additional fraction added each year employer continues to be max-rated up to 1.5%	Solvency
Montana	Admin. fund tax	0.08-0.18% <sup>17</sup>	Quarterly	Administration
Nebraska	St. Unemployment Insurance Tax	0.00-20% of contributions <sup>3</sup>	Rate set annually and induces caps	Interest from fund used for training fund

**Table 13 - SURTAXES UNDER STATE UNEMPLOYMENT INSURANCE LAWS**

State <sup>1,6</sup>	Surtax	Amount <sup>2</sup>	Period or Conditions	Purpose
(1)	(2)	(3)	(4)	(5)
Nevada	Career Enhancement Tax	0.05%	Excludes reimbursable employers and employers at 5.40% rate	Training and job creation
New Hampshire	Emergency tax	0.50% <sup>3</sup>	If commissioner determines an emergency exists	Solvency
	Emergency surcharge	0.50% <sup>3</sup>	Assessed all employers if fund balance falls below \$150 million	Solvency
	Admin. contribution <sup>11</sup>	0.20%	Quarterly	Administrative and training
New Jersey	Rate increase	10% basic rate <sup>3</sup>	Effective July 1, 2011, when fund balance is less than 1.00%	Solvency
New York	Subsidiary tax	0.00-0.925% <sup>5</sup>	When General Account balance below \$650 million	Recoup excess neg. balance transfers and non-charges
	Reemployment service fund	0.075%	Quarterly	Automate systems and provide enhanced reemployment services
	Interest assessment surcharge	Rate established yearly by the Commissioner	When fund has loan outstanding with interest liability	Pay interest due on Federal loans
North Carolina				Solvency
			Until the amount in the state UI fund is \$1 billion or more	
	Reserve Fund Contribution <sup>4</sup>	20%		
Ohio	Minimum safe level adjustment	Up to 0.20% plus additional % determined by formula <sup>3</sup>	When fund 15% or more below minimum safe levels	Solvency
Oklahoma	Surcharge	Proportional to employer's total tax liability as of the last completed qtr. for current CY not to exceed 33 1/3% per taxable year.	When fund less than \$25 million	Solvency
Oregon	Wage security tax (BOLI)	0.03%	1st quarter of every odd-numbered year	Pays final wages when a business closes and is insolvent
	Supplemental Employment Dept. Admin. Fund (SEDAF)	0.09%	All 4 quarters every year	Provide Employment Department services

**Table 13 - SURTAXES UNDER STATE UNEMPLOYMENT INSURANCE LAWS**

State <sup>1,6</sup>	Surtax	Amount <sup>2</sup>	Period or Conditions	Purpose
(1)	(2)	(3)	(4)	(5)
Pennsylvania <sup>3,5</sup>	Surcharge	5.10% <sup>3</sup>	Fund balance ratio below 250%	Solvency
	Solvency	0.65% <sup>3</sup>	Fund balance ratio below 250%	Solvency
	Employee	0.07% <sup>3</sup>	Fund balance ratio below 250%	Solvency
	Interest tax	1.10% <sup>5</sup>	When fund has UC bond debt or federal loan interest liability	Pay debt service on UC bonds and interest due on federal loans
Puerto Rico	Special tax	0.0 -1.0% <sup>3</sup>	For employers with rates between 1.4% and 5.4%	ES, Training & Admin.
Rhode Island	Job Development assessment	0.21% <sup>3</sup>		X <sup>3</sup>
South Carolina	Contingency assessment	0.06 <sup>3</sup>	No exemptions	Job placement for claimants
South Dakota	Investment in SD future fee	0.00-0.53% rated employers; 0.55% new employers	Varies according to employers' reserve ratios	Research and economic development
	Additional rates	0.10-1.50%	When fund below \$11 million	Solvency
Texas <sup>1,3</sup>	Deficit tax rate	Up to 2.00%	When fund below the greater of \$400 million or 1% taxable wages	Solvency
	Obligation assessment	Up to 1.08%	Outstanding indebtedness	Interest
	Training assessment	0.10%	When fund above the greater of \$400 million or 1% taxable wages	Job Training
Utah	Deficiency Surtax	1.0%	X <sup>14</sup>	X <sup>14</sup>
Virginia	Fund building rate	0.20% <sup>3</sup>	When fund balance factor 50% or less	Solvency
	Pool costs rate	Varies <sup>3</sup>	When fund balance factor 50% or less, or pool costs exceed interest earned	Recover pool costs
Virgin Islands	Employee	\$25 per employee	-	Pay outstanding federal UI debt
Washington <sup>1</sup>	Employment admin. tax	0.02% <sup>3</sup>		Employment assistance
	Administrative tax	0.01% <sup>3,12</sup>	Employers in rate classes 1-39 <sup>12</sup>	Training program UI Trust Fund
	Solvency surcharge	None in 2015	X <sup>15</sup>	Solvency

**Table 13 - SURTAXES UNDER STATE UNEMPLOYMENT INSURANCE LAWS**

State <sup>1,6</sup>	Surtax	Amount <sup>2</sup>	Period or Conditions	Purpose
(1)	(2)	(3)	(4)	(5)
West Virginia	Penalty surcharge	1.00%	Debit balance employers and foreign corporations engaged in the construction trades <sup>7</sup>	Limit negative bal. employers
Wisconsin	Administrative account contribution <sup>2</sup>	0.20%	When funds are need and Agency may prescribe a lower rate	UI Administration
Wyoming <sup>9</sup>	Solvency adjustment factor	-0.0001%	If trust fund balance is less than 3.5% of payrolls	Solvency
	Pool costs adjustment factor	0.168%	Rate equal pool costs divided by last year's taxable wages	Recoup non-charged benefits
	Employment support fund	0.112%	Fund solvency for UI & ES program	UI/ES admin. and support

### FOOTNOTES FOR TABLE 13

1. Surtax applied to pay the interest on loans when necessary or for other specific purposes. In most of these states, the surtax rate is unspecified and determined by amount of interest owed. But the surtax in **Arkansas**: is 0.2%; **Texas**: 0.2%; **Washington**: up to 0.15%. all surtaxes exclude reimbursable employers, with other exclusions as specified. Following interest payment surtaxes exclude reimbursable employers, and also exclude as specified, **Arkansas**: excludes only reimbursable employers; **Colorado**: governmental employers, reimbursable nonprofit organizations, and political subdivisions electing the special rate; **Idaho**: nonprofit, governmental employers. Other states with interest payment surtaxes may or may not charge only contributory employers. Interest payment is not the sole purpose of surtaxes in the following states: **California**: interest on federal advances may be paid from employment training Fund, if the legislature approves; **Louisiana**: includes the payment of bonds issued or interest due to pay federal advances, debt service, admin. costs; **Texas**: includes payment of debt service on bonds or to pay federal advances. **Nevada**: has no surtax for repayment of loans or interest.
2. Percentages include percent of taxable payroll, unless otherwise indicated. **Wisconsin**: not currently assessed.
3. **Alaska**: new employers are assessed the 0.10% training assessment. **Alabama**: excludes reimbursable and new employers and calculated rates of 5.40%. **Arkansas, California, Hawaii, Indiana, Louisiana, Maryland, Maine, Massachusetts, Nebraska, Ohio, Rhode Island, Virginia, Washington, Wyoming**: excludes reimbursable employers. **Arkansas**: beginning July 1, 2007, through June 30, 2015, Arkansas allows proceeds of the stabilization tax of 0.025% of taxable wages to be used for the Department of Workforce Services training trust Fund and another 0.025% of taxable wages to be used for the Department of Workforce Services Unemployment insurance administrative Fund. These will be collected until each fund has a balance of \$2.5 million each year. **Colorado** excludes reimbursable employers and political subdivisions. **Delaware**: training tax is 0.085% when taxable wage base (TWB) is \$18,500; 0.095% when TWB is \$16,500; 0.11% when TWB is \$14,500; 0.126% when TWB is \$12,500; and 0.15% when TWB is \$10,500. **Georgia**: excludes employers at minimum 0.03%, negative balance employers at the highest deficit reserve rate for that year, and employers who elect to reimburse. **Hawaii**: excludes reimbursable employers and employers at 0% and maximum rate on applicable schedule. **Indiana**: excludes new employers. Based upon 2011 legislation, the surcharge percentage for calendar years beginning after December 31, 2011 will be determined by January 1 of the year in question. **Iowa**: excludes reimbursable and governmental employers. **New Jersey**: excludes reimbursable employers and governmental and nonprofit employers who elect the reimbursement option. **New Hampshire**: Rate of contributing employers is reduced by 2/10th of 0.1%. the condition that the trust Fund balance meet or exceed \$275 million was removed. There is guaranteed \$1 million dedicated to the training Fund. If the trust Fund falls below \$150 million, the total surtax will be 1.0%. **Oregon** (special tax): excludes employers at 5.4% rate or more. **Nebraska**: principle is used to build a state reserve for benefits and earned interest is used to pay for worker training. A SUIT rate of 5% of combined tax will be collected in 2014. **Pennsylvania**: surcharge and solvency excludes reimbursable employers, new employers exempted from solvency tax, and employee tax assessed on total wages, amounts vary with fund balance ratio. **Puerto Rico**: excludes governmental employers and political subdivisions. **Rhode Island**: 0.21% Job Development assessment equals 0.19% Job Development Fund + 0.02% for UI and ES Services + 0.3% for UI federal loan repayment and interest.



## FOOTNOTES FOR TABLE 13

- South Carolina:** the 0.06% administrative contingency assessment is added to all employer rates while the interest surcharge is experience rated over 20 categories. **Texas:** excludes reimbursable and new employers
4. **North Carolina:** the balance of the state reserve fund is capped at \$50 million or the amount needed to pay Title XII interest. Monies may only be used for principle and interest payments on Title XII advances, payment of benefits, administrative cost for collection of surtax, and refunds.
  5. **Alaska:** no annual increase or decrease of more than 0.3%; **New York:** subsidiary tax is based upon the employer's individual unemployment insurance experience and the balance of the state trust fund's general account on computation date; **Pennsylvania:** interest tax maximum is 1.1%. This tax does not apply to newly liable employers or reimbursable employers.
  6. States without surtaxes: **New Mexico, North Dakota, Vermont.**
  7. **West Virginia:** also applies to foreign corporation or business entities engaged in the construction trades that have not been employers in the state for at least 36 consecutive months.
  8. **Colorado:** applies when the trust fund balance is equal to or less than 0.5% of the total wages reported by experience-rated employers in the previous calendar year or for the most recent available four quarters before the computation date and remains until the fund is equal to 0.7% of total wages reported by experience-rated employers in the previous calendar year or for the most recent available four quarters before the computation date.
  9. **Wyoming:** fund balance and pool costs adjustment factors are computed yearly under different formulas. The combined rate cannot exceed 1.5%. 2014 Solvency Adjustment factor included in the tax rates is applied to experience rated employers with a zero experience rate at 0.15% (0.0015). This factor is applied to all other employers at 0.83% (0.00830).
  10. **Iowa:** reserve fund interest pays partially for the operation of workforce development offices.
  11. **New Hampshire:** 1/3 or up to \$2 million of administrative contributions are diverted annually for a training fund for incumbent workers.
  12. **Washington:** new employers and employers in the highest rate class do not pay this tax. All but 0.004% of the 0.01% administrative tax must be deposited in the Employment administrative tax account.
  13. **Missouri:** rates can include a percentage increase or decrease depending on the average fund balance plus an additional surcharge for maximum-rated employers.
  14. **Utah:** if an employer has a deficit in payment of taxes for any of the four quarters of the fiscal year ending June 30, a surtax of 1.0% will be applied to taxes paid in the next calendar year beginning the next January 1. It will be removed when the previous fiscal year's taxes have been paid in full. The purpose is to encourage full payment of unemployment taxes by employers.
  15. **Washington:** assessed if trust fund holds less than seven months benefits, set at the lowest rate needed to provide nine months benefits, but no more than 0.2%.
  16. **District of Columbia:** payable by both contributory and self insured employers on first \$9,000 paid to each employee during calendar year.
  17. **Montana:** 0.13% for experience employers with a contribution rate of 0.0%, 0.18% for experience rated employers with contribution rate greater than 0.0%, and 0.08% for reimbursable employers. Beginning 07/01/08, governmental rated employers will pay 0.09%.
  18. **District of Columbia:** for assessments not paid when due, interest of 1.5% per month, or fraction thereof, will be added from the date the assessment became due until paid. If an administrative funding assessment is not paid on or before the first day of the second month following the close of the calendar quarter for which it is due, there will be added a penalty of 10% of the amount due, but not less than \$100.
  19. **California:** applies only to employers with a positive reserve balance and employers assigned the maximum rate plus 2% that obtain or attempt to obtain a more favorable UI rate of contributions due to deliberate ignorance, reckless disregard, fraud, intent to evade, misrepresentation, or willful non-disclosure.
  20. **California:** employers that obtain or attempt to obtain a more favorable UI rate of contributions due to deliberate ignorance, reckless disregard, fraud, intent to evade, misrepresentation or willful non-disclosure.
  21. **Minnesota:** the interest on loan surcharge has been in law since 2002 and triggers on when the trust fund is borrowing and has to pay interest. The commissioner determines the amount of the surcharge based on a projection of what is necessary to cover the interest costs.
  22. **Arizona:** Arizona Senate Bill 1471, the state's fiscal year 2015-2016 budget, repeals Arizona's 0.1% surcharge on state unemployment insurance taxes effective January 1, 2016.

# REIMBURSABLE EMPLOYERS

## (Nonprofit Organizations and State/Local Government Entities)

Federal law requires states to allow nonprofit organizations the option of financing unemployment insurance benefit costs either by paying contributions on the same basis as other employers, or by reimbursing the fund for benefit costs attributable to service in their employ. Those that elect the reimbursement method are usually billed at the end of each quarter for actual benefit costs incurred, or they are billed a flat rate, with an annual accounting to adjust over/under payment of actual costs.

Federal law also requires states to allow their political subdivisions and Indian tribes a similar reimbursement-contribution option. As table 14 indicates, a few states provide a third option consisting either of a flat tax rate, or an experience-rated tax separate from experience rating applicable to other employers.

As table 15 shows, most states require a bond or deposit as a condition for choosing the reimbursement method.

**TABLE 14 - FINANCE METHODS OF GOVERNMENTAL ENTITIES**

Options available to State Agencies  
and/or Political Subdivisions are  
Either Reimbursement<sup>2</sup> or:

State (1)	Single Method Permitted for State Agencies <sup>1</sup> (2)	Regular Contributions Systems (3)	Special Provisions (4)
Alabama	X	X	
Alaska		X	
Arizona		X	
Arkansas		X	
California		X <sup>2</sup>	Schools may pay quarterly contributions based on different factors.
Colorado	X		Flat rate based on overall governmental entity experience.
Connecticut		X	
Delaware			Flat rate based on overall governmental entity experience.
D.C.		X	
Florida			Political subdivisions electing contributions pay on gross rather than taxable wages.
Georgia		X	
Hawaii		X	
Idaho		X	
Illinois	X	X	
Indiana		X	Entities electing contributions pay 1.0% for first 36 months before 01/01/2011, and 1.6% after 12/31/2010.
Iowa		X <sup>2</sup>	Separate tax table for contributing governmental entities <sup>3</sup>
Kansas		X	Rate base on individual and aggregate experience—not less than 0.10%.
Kentucky		X	
Louisiana		X	
Maine		X	
Maryland		X	Employers not charged when there is continuous part-time employment
Massachusetts			Rate based on individual and aggregate experience—not less than 0.1%.
Michigan		X	
Minnesota		X	
Mississippi	X	X <sup>2</sup>	1.0% flat rate for political subdivisions.
Missouri		X	



**TABLE 14 - FINANCE METHODS OF GOVERNMENTAL ENTITIES**

Options available to State Agencies  
and/or Political Subdivisions are  
Either Reimbursement<sup>2</sup> or:

State (1)	Single Method Permitted for State Agencies <sup>1</sup> (2)	Regular Contributions Systems (3)	Special Provisions (4)
Montana			Rates (0.06%-1.46%) based on benefit ratio formula on total, not taxable wages.
Nebraska		X	
Nevada		X	
New Hampshire	X	X	
New Jersey			Rate based on aggregate experience
New Mexico	X	X <sup>2</sup>	Plus additional amt. to optional special fund, which reimburses state fund.
New York	X	X	
North Carolina	X <sup>1</sup>	X	1% reserve from all government entities
North Dakota		X	Flat rate based on benefit costs
Ohio		X	
Oklahoma			1% flat rate
Oregon	X	X	Rates (0.1%-5.0%) based on benefit ratio formula; paid into special fund.
Pennsylvania	X		Can pay a nonrefundable 0.24% solvency fee to be eligible to request relief from benefit charges. <sup>3</sup>
Puerto Rico		X	
Rhode Island		X	
South Carolina		X	
South Dakota	X	X	
Tennessee		X	1.5% entry rate. Rates of entities electing contributions range from 0.3% to 3.0% based on reserve ratio
Texas			Flat rate based on benefit costs but not less than 0.1%.
Utah		X	
Vermont	X <sup>1</sup>	X	
Virginia		X	
Virgin Islands		X	
Washington	X	X	Local government tax option available to cities, towns, counties.
West Virginia		X	
Wisconsin	X	X	Entities electing contributions pay 2.5% for first three years.
Wyoming		X	

## FOOTNOTES FOR TABLE 14

1. State law requires only the reimbursement method be available for state government agencies, except **North Carolina**: governmental entities may elect to be reimbursing or experience rated. **Vermont**: which allows state institutions of higher education the option of contributions or reimbursement.
2. All political subdivisions may elect reimbursement. **Colorado**: or pay quarterly contributions. **Illinois**: each reimbursor is liable for 100% of benefits paid if they are both the last employer for 30 days and BP employer, or if the reimbursor is only the last employer for 30 days then they are liable for 50% of benefits paid. **Iowa**: non-profits only. **Mississippi**: reimbursable political subdivisions may elect to pay an additional 0.25% in return for having benefits noncharged on the same basis as contributory employers. **New Mexico**: each reimbursor is liable for 25% of total benefit charges during the four quarters ending preceding June 30.
3. **Iowa**: governmental entities must pay the amount of any negative balance before becoming eligible for reimbursement; **Pennsylvania**: minimum solvency fee of \$25 must be paid if the employer's total gross wages for the previous fiscal year (July 1 - June 30) multiplied by the solvency fee rate results in an amount that is less than \$25.

**Table 15 - SAFEGUARDS REQUIRED OF REIMBURSABLE EMPLOYERS**

Provision		
State (1)	Mandatory (M) Optional (O) (2)	Amount (3)
Alabama	M	Bond amount for nonprofit organizations: Cannot use more than 5.40% or less than .50% of the covered payroll as determined by agency. Advance payment rate determined by employers total quarterly payroll and benefit costs for the most recent completed calendar year.
Alaska	M	The larger of \$32,000 or 3.2% of the total wages paid in the four most recent calendar quarters
Arkansas	M	Prepayment of expected charges
Colorado	O	0.1% to 3.6% total payroll, based on benefit costs <sup>1</sup>
Connecticut	O	Not to exceed maximum tax rate <sup>1</sup>
D.C.	O	0.25% total payroll
Florida <sup>1</sup>		
Georgia	M	2.7% taxable payroll, no amount for government, reimbursable
Hawaii	M	0.2% total payroll
Idaho	O	Based on potential benefit costs
Kansas	O	5.4% taxable payroll
Kentucky	O	2.0% total payroll <sup>1</sup>
Maine	M <sup>1</sup>	2.0%-5.0% taxable payroll
Maryland	M	2.7% or 5.4% of taxable payroll, depends on wage base <sup>1</sup>
Massachusetts	O	Not to exceed maximum tax rate <sup>1</sup>
Michigan	M <sup>1</sup>	4.0% total payroll
Mississippi	O	Bond in amount of 1.35% taxable payroll for nonprofit organization; Bond or revolving fund in amount of 2.0% of first \$6,000 per employee for political subdivisions.
Missouri	M <sup>1</sup>	Bond equivalent to amount due in the previous calendar year or \$100,000, whichever is greater
New Jersey	O	Not to exceed maximum tax rate
New Mexico	M <sup>1</sup>	Surety bond equal to 2.7% of contributions times taxable wages <sup>2</sup>
New York	M <sup>1</sup>	Determined by the Commissioner
North Carolina	M <sup>1</sup>	1.0% taxable wages for the immediate four quarters preceding July 1
Ohio	M	3.0% taxable payroll, but not more than \$2 million
Oregon	M	2% total payroll
Pennsylvania	M	1.0% taxable payroll <sup>1</sup>
Puerto Rico	M	Determined by regulation
Rhode Island	O	No greater than double the amount of estimated tax due each month, but not less than \$100
South Carolina	M <sup>1</sup>	Agency shall determine amount; none if property valued over \$2 million <sup>1</sup>
South Dakota	O	Maximum new employer tax rate x 1 year taxable payroll
Texas	O	Percentage of next 12 months' tax wages equal to max. rate for any employer liable for contributions
Utah	O	1.0% total payroll, maximum
Virginia	O	Percentage of taxable wages determined by Commission
Virgin Islands	M	1.35% taxable payroll based on taxable wages for preceding year
Washington	O	Based on benefit costs but not to exceed amount payable if employer were contributor
Wisconsin	M <sup>3</sup>	4.0% of greater of last year's or current year's taxable payroll
Wyoming	O	Maximum benefit amount multiplied by the number of employees or \$15,000 for new accounts or a letter from a "sponsor" assuming liability for unpaid debt

## FOOTNOTES FOR TABLE 15

1. **Colorado:** no requirement unless computed bond is \$100 or more; **Connecticut:** if administrator deems necessary for financial conditions; **Florida:** Indian tribes electing to become reimbursable employers must submit a surety bond. The amount of the bond is twice the average amount of benefits charged to the employer during each quarter of the preceding calendar year, or if there is an insufficient employment record, the bond is \$3,000 multiplied by 30% of the number of employees; **Kentucky:** 2.0% of total wages paid for employment for the four calendar quarters immediately preceding the effective date; **Massachusetts:** posting of security bond not currently in force. **Maine, New Mexico:** non-profits only; **Maryland:** 2.7% of taxable payroll if total taxable wages are less than 25 times the taxable wage base, and 5.4% of taxable payroll if total taxable wages equal or exceed 25 times the taxable wage base; **Michigan:** if employer pays gross wages exceeding \$100,000 in a calendar year (or in the case of an Indian Tribe or Tribal Unit, if the employer pays gross wages equaling or exceeding \$100,000 in a calendar year). **Missouri, New York:** Indian tribes only; **North Carolina:** non-profit organizations are required to maintain 1% of taxable payroll for previous year in account. Benefit charges reconciled annually; **Pennsylvania:** per Section 501(c)(3), non-profit employers electing reimbursable coverage must submit an IRS exemption letter and the appropriate collateral with their application. Political subdivisions and Commonwealth entities are not required to submit a collateral deposit. **South Carolina:** safeguard required for reimbursable employers is bonding of tax rate 20 multiplied by taxable wages in previous year (if the entity is valued at less than \$2 million). this is mandatory.
2. **New Mexico:** if wages were not paid in each of the preceding four calendar quarters, the amount of the surety bond will be based on estimated taxable wages.
3. **Wisconsin:** Indian tribes and tribal units electing or continuing reimbursement financing of benefits for calendar years beginning after December 31, 2010 no longer required to provide financial security ("file assurance of reimbursement") for their statutory obligations to reimburse the unemployment reserve fund for unemployment benefits paid on their accounts.

# BASE PERIOD, BENEFIT YEAR, SUCCESSIVE BENEFIT YEAR REQUIREMENTS

An unemployed worker who files a claim for unemployment compensation automatically establishes a four calendar quarter “base period” in the recent past for the purpose of measuring his or her employment experience. As Table 16 shows, the most common type of base period is the first four of the last five completed calendar quarters immediately preceding the filing of a claim and the establishment of a benefit year. This means that the base period for a claim filed in June, for example, will be the four quarter period beginning January of the previous calendar year. The amount of work performed and the wages accrued over a base period determine (1) if a worker had sufficient work to meet the minimum qualifying requirements for any benefits, (2) the weekly benefit amount, and (3) the number of weeks the worker may receive benefits. Recognizing that the lag between the base period and benefit year may result in claimants with more recent wages not qualifying monetarily, many states have enacted alternative base period provisions under which the most recent four calendar quarters or other alternative base period is used if the individual does not qualify using the normal base period.

The filing of a valid claim (an original claim filed by one meeting the work and wage qualifying requirements) establishes the claimant’s base period. It also establishes the claimant’s benefit year, a 52 week period, usually

beginning with the week of the claim, during which a claim for weekly benefits may be filed. Any weeks of benefits not used within the benefit year would cease to be available.

A claimant who uses up all weeks of benefits, typically up to 26, before the benefit year ends would not be eligible for additional unemployment benefits unless there is a federal or federal-state extension in effect, or a state has a training extension available and the claimant has met all the provisions of the training program. A claimant could qualify for a second successive 52 week benefit year only if there was evidence of work and wages earned in the “lag period”, a period between the end of the first base period and the beginning of the first benefit year. (In this example, the lag would be from January to June, almost six months.) To prevent this “double dip,” states with lag periods have special successive benefit year requirements (see column 6). Usually wages earned in covered employment and wages equal to a multiple of the weekly benefit, must be earned subsequent to the beginning of the first benefit year. Federal law also requires that a claimant must have worked after the beginning of a benefit period as a condition of qualifying for a subsequent benefit period.

**TABLE 16 - BASE PERIOD, BENEFIT YEAR, SUCCESSIVE BENEFIT YEAR REQUIREMENTS**

State (1)	Base Period (BP)		Benefit Year (BY)		
	First 4 of Last 5 Quarters (2)	Other <sup>4</sup> (3)	1 Year or 52 Weeks Beginning Week Valid Claim (4)	Other (Beginning) (5)	Successive Benefit Year Requirements (6)
Alabama	X		X <sup>2</sup>	Normally the Sunday beginning the week in which a valid claim is filed. Employer filed claims use the beginning day of the employer payroll week.	8 x WBA <sup>10</sup>
Alaska	X <sup>3</sup>	X <sup>4</sup>	X <sup>1</sup>	Sunday preceding filing of claim.	8 x WBA
Arizona	X <sup>1,3</sup>		X		8 x WBA
Arkansas	X <sup>3</sup>	X <sup>4</sup>		First day of quarter in which a new claim is filed	8 x WBA <sup>10</sup>
California	X	X <sup>4</sup>	X <sup>2</sup>		Qualifying wages
Colorado	X <sup>3</sup>	X <sup>4</sup>	X <sup>1,3</sup>		\$2,000 <sup>10</sup>

**TABLE 16 - BASE PERIOD, BENEFIT YEAR, SUCCESSIVE BENEFIT YEAR REQUIREMENTS**

State (1)	Base Period (BP)		Benefit Year (BY)		Successive Benefit Year Requirements (6)
	First 4 of Last 5 Quarters (2)	Other <sup>4</sup> (3)	1 Year or 52 Weeks Beginning Week Valid Claim (4)	Other (Beginning) (5)	
Connecticut	X <sup>3</sup>	X <sup>4</sup>	X		5 x WBA <sup>8,9</sup>
Delaware	X	X <sup>4</sup>	X <sup>1</sup>		10 x WBA <sup>10</sup>
D.C.	X	X <sup>4</sup>	X		10 x WBA <sup>9</sup>
Florida	X		X	X <sup>14</sup>	3 x WBA
Georgia	X	X <sup>4</sup>	X		10 x WBA <sup>10</sup>
Hawaii	X	X <sup>4</sup>	X		5 x WBA <sup>10</sup>
Idaho	X <sup>16</sup>	X <sup>4</sup>	X <sup>1,3</sup>		6 x WBA <sup>1</sup>
Illinois	X <sup>3</sup>	X <sup>4</sup>	X		3 x WBA
Indiana	X <sup>3</sup>	X <sup>17</sup>	X		WBA of prior claim in each of 8 weeks <sup>10</sup>
Iowa	X <sup>3</sup>	X <sup>4</sup>	X		\$250 <sup>10</sup>
Kansas	X <sup>3</sup>	X <sup>4</sup>	X		8 x WBA <sup>10</sup>
Kentucky	X <sup>3</sup>		X		X <sup>15</sup>
Louisiana	X		X		6 x WBA <sup>9,10</sup>
Maine	X	X <sup>4</sup>	X <sup>1</sup>		8 x WBA <sup>10</sup>
Maryland	X	X <sup>4</sup>	X		10 x WBA <sup>9</sup>
Massachusetts		X <sup>3,4</sup>	X	Sunday preceding filing of claim	3 x WBA of previous claim
Michigan	X	X <sup>4</sup>	X <sup>3</sup>	Sunday preceding filing of claim	5 x WBA of previous claim
Minnesota		X <sup>4</sup>	X		\$2,600
Mississippi	X		X		8 x WBA <sup>10</sup>
Missouri	X		X		5 x WBA <sup>8,9</sup>
Montana	X <sup>3</sup>	X <sup>4</sup>	X		6 x WBA <sup>9,10</sup>
Nebraska	X <sup>4</sup>		X		6 WBA <sup>9,10</sup>
Nevada	X	X <sup>4</sup>	X <sup>1</sup>		3 x WBA
New Hampshire	X	X <sup>4</sup>		Floating Year <sup>12</sup>	X <sup>12</sup>
New Jersey	X <sup>3</sup>	X <sup>4</sup>	X <sup>2</sup>		6 x WBA
New Mexico	X <sup>3</sup>	X <sup>4</sup>	X		5 x WBA <sup>10</sup>
New York	X	X <sup>4</sup>		Monday after valid claim filed <sup>2</sup>	5 x WBA
North Carolina	X	X <sup>4</sup>	X		6 x AWW <sup>10</sup>
North Dakota	X		X <sup>1</sup>		10 x WBA <sup>10</sup>
Ohio	X	X <sup>4</sup>	X <sup>2</sup>		X <sup>7</sup>
Oklahoma	X	X <sup>4</sup>	X		10 x WBA
Oregon	X <sup>3</sup>	X <sup>4</sup>	X <sup>1</sup>		6 x WBA <sup>5</sup>
Pennsylvania	X <sup>13</sup>		X <sup>2</sup>		6 x WBA
Puerto Rico	X		X		3 x WBA <sup>5,9,10</sup>
Rhode Island	X <sup>3</sup>	X <sup>4</sup>	X <sup>1</sup>		\$720 <sup>11</sup>
South Carolina	X	X <sup>4</sup>	X		8 x WBA <sup>10</sup>
South Dakota	X <sup>3</sup>	X <sup>4</sup>	X		4 x WBA <sup>10</sup>
Tennessee	X <sup>1</sup>	X	X		5 x WBA <sup>9</sup>
Texas	X <sup>3</sup>		X		6 x WBA
Utah	X <sup>3</sup>	X <sup>4</sup>	X		6 x WBA <sup>10</sup>
Vermont	X <sup>3</sup>	X <sup>4</sup>	X		4 x WBA

**TABLE 16 - BASE PERIOD, BENEFIT YEAR, SUCCESSIVE BENEFIT YEAR REQUIREMENTS**

State (1)	Base Period (BP)		Benefit Year (BY)		Successive Benefit Year Requirements (6)
	First 4 of Last 5 Quarters (2)	Other <sup>4</sup> (3)	1 Year or 52 Weeks Beginning Week Valid Claim (4)	Other (Beginning) (5)	
Virginia	X	X <sup>4</sup>	X <sup>1</sup>		30 days or 240 hours of work
Virgin Islands	X	X	X		6 x WBA <sup>9</sup>
Washington	X	X <sup>4</sup>	X <sup>1</sup>		6 x WBA
West Virginia	X	X <sup>4</sup>	X <sup>1</sup>		8 x WBA <sup>10</sup>
Wisconsin	X	X <sup>4</sup>	X <sup>2</sup>		8 x WBA <sup>5</sup>
Wyoming	X <sup>3</sup>		X <sup>1,2</sup>		8 x WBA

## FOOTNOTES FOR TABLE 16

1. A 52-week benefit year and a base period defined as the first 4 of the last 5 completed calendar quarters preceding the benefit year can result in overlapping of a claimant's two consecutive base periods. To resolve situations involving the use of a single calendar quarter in two consecutive base periods, a number of state laws provide that when this happens, the claimant's base period or benefit year is adjusted slightly.
2. In most states a valid claim is simply a claim filed by an individual who meets the work and qualifying wage requirements for benefits. These states have additional conditions for beginning benefit year: **Claimant must be, Alabama, New Jersey, Wyoming:** unemployed or underemployed; **California, New York:** able to work, available for work, if claimant lost job due to disqualifying conditions he or she must have subsequent earnings equal to 5 x WBA; **Ohio:** totally/partially unemployed and non-disqualifying separation from most recent employment; **Pennsylvania:** unemployed and able to work, available for work, making an active search for suitable employment; **Wisconsin:** unemployed or about to become unemployed.
3. Where the claimant was ill or disabled during a substantial period during the base period or benefit year, a number of states extend either the base period or the benefit year beyond a one-year period in relatively few cases. Some states require that the claimant receive workers' compensation. Usually the period of the extension is equal to the period of disability, up to specified limits.
4. States with an alternative base period: **Alaska, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Georgia, Hawaii, Idaho, Illinois, Iowa, Kansas, Maine, Maryland, Michigan, Montana, Nebraska, Nevada, New Hampshire, New Mexico, New York, North Carolina, Ohio, Oklahoma, Oregon, Rhode Island, South Carolina, South Dakota, Utah, Virginia, Washington, West Virginia, Wisconsin:** individuals who fail to qualify under the original state standard base period may alternatively qualify on wages paid during the last four completed calendar quarters. **Massachusetts:** the primary base period is the four most recently completed quarters. The alternate base period for these claims is the three most recently completed quarters plus lag weeks. **New Jersey, Vermont:** if claimant fails to meet qualifying wage requirements, alternative base periods are: (1) last 4 completed quarters or (2) last 3 completed quarters plus any wages paid in current quarter in which claim is filed. **Minnesota:** the primary base period is the last 4 completed quarters, but the claimant may use the first 4 of the last 5 completed if it results in a higher WBA.
5. **Pennsylvania:** 6 x WBA in covered employment since the start of the previous BY. **Wisconsin:** 8 x WBA in covered work since the start of the previous BY.
6. No requirement since there is no lag period or lag period is too short to qualify for 2nd BY.
7. **Ohio:** Since the beginning of the last benefit year, must have worked at least 6 weeks in intervening covered employment and earned 3x average weekly wage on prior claim.
8. **Louisiana, Montana, Virgin Islands:** as noted or 3/13 HQW, whichever is less; **Missouri:** 10 x WBA in non-covered work; **Connecticut:** \$300 or five times the weekly benefit rate established for the second benefit year, whichever is greater; **Puerto Rico:** not less than \$50.
9. **Connecticut, District of Columbia, Louisiana, Maryland, Missouri, Montana, Nebraska, Puerto Rico, Virgin Islands:** Wages must be in insured work. **Tennessee:** requires 5 x WBA in insured wages.
10. Plus some work since prior claim.
11. **Rhode Island:** 80 x minimum hourly wage.
12. **New Hampshire:** claimant's benefit year is a floating benefit year based upon the effective date of the initial claim, and ends one year after the initial claim date. The By will be 53 weeks if the filing of the new initial claim results in the use of a quarter of wages in the new BP previously included in a prior base period. Individuals who have established

## FOOTNOTES FOR TABLE 16

a By are not eligible to receive benefits in their next By unless they have earned at least \$700 during or subsequent to the established benefit year.

13. **Pennsylvania:** has an option for UC financial redetermination for claimants who were determined eligible for workers' compensation under state law but were determined ineligible for UC under the normal financial computation. Claimants may elect to have their financial eligibility reviewed for redetermination using the alternate base period criteria provided for under the state WC act.
14. **Florida:** initial claims are backdated to the Sunday preceding the filing date of the claim. But when a claim transitions immediately into a second benefit year based on the claimant's continued report, the new benefit year begins on the day following the expiration date of the previous claim.
15. **Kentucky:** same as FUTA; must have worked after the beginning of the first benefit year.
16. **Idaho:** if claimant totally temporarily disabled and start date less than 3 years with end date less than 6 months from date filed, an alternate base period may be used.
17. **Indiana:** up to 4 quarters preceding the last day the worker was able to work.



# QUALIFYING REQUIREMENTS

There is a wide range of qualifying requirements for minimum benefits among the states. The requirement of 1½ times high-quarter wages means approximately 20 weeks for individuals who worked all 13 weeks of the high quarter. The requirement of 30 times the weekly benefit amount translates into 15 weeks of work if, as is usually the case, the weekly benefit is computed as about ½ the individual's regular weekly wage. However, except in the states that actually require a specified minimum number of weeks (or hours) of work, it is possible to meet the multiple-of-high-quarter, multiple-

of-weekly-benefit-amount requirements and flat dollar requirements with very few actual weeks of work, even though in most cases there must be earnings in more than one base period quarter.

State laws vary widely with respect to the amount of actual wages required for minimum benefits and minimum potential benefits. Generally, the lower the minimum benefit allowed, the lower the threshold at which lower wage and/or temporary or part-time workers can enter the system.

**TABLE 17 - QUALIFYING REQUIREMENTS FOR MINIMUM BENEFITS AND MINIMUM DURATION**

State	Qualifying Formula	Wages Required for Minimum Benefits		Minimum Benefits	
		Base Period	High Quarter <sup>5</sup>	WBA <sup>1</sup>	Weeks
(1)	(2)	(3)	(4)	(5)	(6)
Alabama	1½ x HQW where avg. of 2 x HQ must be at least \$1,157.01	\$2,314.02	\$1,157.01 <sup>10</sup>	\$45 <sup>10</sup>	15+
Alaska	\$2,500 with wages in two quarters	2,500	-	56-80	16
Arizona	At least 390 times the state minimum wage	4,710	3,140	126	13+
Arkansas	Wages in two quarters and BP earnings of 35 x WBA	2,835	708.75	81	12
California	\$1,300 in HQ or \$900 in HQ and 1.25 x HQ in BP	1,125	900	40	14+
Colorado	Greater of 40 x WBA or \$2,500	2,500	-	28	Not specified
Connecticut	40 x weekly benefit amount	600	-	15-30	26 <sup>3</sup>
Delaware	36 x weekly benefit amount	720	-	20	18
D.C.	1½ x HQ wages, with wages in two quarters and minimum of \$1,300 in one quarter	1,950	1,300	50	19+
Florida	1½ x high quarter wages with wages in two quarters	3,400	2,267	32	Not specified
Georgia	1½ x high quarter wages with wages in two quarters; or 40 x WBA with wages in two quarters	1,134 (2HQs)	567	44	6
Hawaii	26 x WBA, with wages in two quarters	130	-	5	26 <sup>3</sup>
Idaho	1¼ x high quarter wages with wages in two quarters	2,340	1,872	72	10
Illinois	\$1,600 in BP plus \$440 outside the high quarter	1,600	-	51	26
Indiana	1.5 x high quarter wages with \$2,500 in last two quarters and \$4,200 in BP	4,200	-	50	8+
Iowa	1¼ x high quarter wages <sup>7</sup>	2,100	1,400	60-73	7
Kansas	30 x weekly benefit amount with wages in two quarters	3,330	2,625	118 <sup>2</sup>	10



**TABLE 17 - QUALIFYING REQUIREMENTS FOR  
MINIMUM BENEFITS AND MINIMUM DURATION**

State	Qualifying Formula	Wages Required for Minimum Benefits		Minimum Benefits	
		Base Period	High Quarter <sup>5</sup>	WBA <sup>1</sup>	Weeks
(1)	(2)	(3)	(4)	(5)	(6)
Kentucky	1½ x HQ in BP, 8 x WBA in last two quarters of the BP, with \$750 outside HQ	1,500	750	39	15
Louisiana	1½ x HQ and requirement of \$1200 in BP	1,200	800	10	26
Maine	2 x annual AWW in each of two quarters and 6 x AWW in BP	4,454.10	1,484.70	67-77	22
Maryland	1½ x high quarter wages with wages in two quarters	1800	1176.01	50-58	26 <sup>3</sup>
Massachusetts	30 x weekly benefit amount	3,500	-	34-51	10 <sup>14</sup>
Michigan	1½ x high qtr wages with at least \$2,871; \$2,282 for BY starting 4/5/15; \$2,380 for BY starting 7/3/16; \$2,492 for BY starting 7/2/17; \$2,590 for BY starting 7/1/18 and thereafter. <sup>12</sup>	4,306	2,871	117-123	14
Minnesota	5.3% of state avg. wage rounded down to next lower \$100	2,600		25	11
Mississippi	40 x WBA with wages in two qtrs. HQ wages equal to 26 x min. WBA	1,200	780	30	13+
Missouri	1½ x high quarter wages or BP wages of 1½ x max. taxable wage base and wages in two qtrs.	2,250	1,500	35	8+
Montana	1½ x HQW and 7% of AAW or 50% of AAW	2,578	471	134	8
Nebraska	\$4,094.89 in BP; 1,850 in HQW and wages in at least one other quarter of \$800	4,094.89	1,850	70	1
Nevada	1½ x high quarter wages or wages in at least 3 of 4 BP qtrs.	600	400	16	8+
New Hampshire	\$2,800 with \$1,400 in each of 2 qtrs.	2,800	1,400	32	26 <sup>3</sup>
New Jersey	20 weeks of work with wages of 20 x SMHW, or 1,000 x SMHW, or 770 hours of farm labor	3,300 <sup>14</sup>	-	99 <sup>13</sup>	20
New Mexico	Have wages in 2 qtrs of BP and meet min. wage amt. (\$1,871.03 in high qtr.	1,871.03	1,871.03	77 <sup>2</sup>	up to 26 weeks
New York <sup>11</sup>	1½ x HQW in BP with \$1,600 in HQ and wages in two qtrs. of BP	2,400	1,600	64	26 <sup>3</sup>
North Carolina	6 x SAWW and paid wages in at least two quarters of BP	4,933.12	5,013.12	15	5
North Dakota	1½ x high quarter with wages in two quarters	2,795	1,118	43	12
Ohio	20 qualifying weeks in BP with AWW of 27.5% of SAWW	4,740	-	118.50	20
Oklahoma	1½ x HQW and \$1,500 or wages greater than taxable wage base	1,500	-	16	Not specified
Oregon	1½ x HQW with min. of \$1,000 or 500 hours of employment in BY	1,000	-	128 <sup>2</sup>	3
Pennsylvania <sup>16</sup>	18 weeks with 49.5% of wages earned in other than high quarter	3,391	1,688	70-78	18
Puerto Rico	40 x WBA with wages in two qtrs.	280	77	7	26

**TABLE 17 - QUALIFYING REQUIREMENTS FOR  
MINIMUM BENEFITS AND MINIMUM DURATION**

State	Qualifying Formula	Wages Required for Minimum Benefits		Minimum Benefits	
		Base Period	High Quarter <sup>5</sup>	WBA <sup>1</sup>	Weeks
(1)	(2)	(3)	(4)	(5)	(6)
Rhode Island	\$10,800 in BP or; \$1,800 in one BP qtr and, total BP wages of at least \$3,600 <sup>8</sup>	3,200	1,600	44-59	16
South Carolina	1½ x high quarter wages	4,455	1,092	42	Not specified
South Dakota	20 x weekly benefit amount outside the high quarter	1,288	728	28	15+
Tennessee	40 x WBA with the lesser of 6 x WBA or \$900 outside the HQ	1,560.02	780.01	30	13
Texas	37 x WBA and wages in two quarters	2,368	-	64	10
Utah	1½ x high quarter wages	3,400	825	26	10
Vermont <sup>15</sup>	\$2,351 in one quarter plus BP wages of at least 40% of HQW	3,236	2,312	73	20
Virginia	50 x weekly benefit amount with wages in two quarters (effective July 6, 2014)	3,000	3,000 <sup>9</sup>	60	12
Virgin Islands	At least \$858 in HQ and 1½ x HQW, or 39 x WBA in BP	1,287	858	33	13
Washington	680 hours of work	- <sup>2</sup>	-	148 <sup>2</sup>	Not specified
West Virginia	\$2,200 with wages in two qtrs.	2,200	-	24	26
Wisconsin <sup>5</sup>	35 x WBA with wages outside HQ of 4 x WBA in BP. For new benefit year must earn wages equal to at least 8 x WBR	1,850	1,350	54	14 <sup>7</sup>
Wyoming	Wages in BP no less than 8% of SAAW plus 1.4 x HQW	3,550	850	34	11

## FOOTNOTES FOR TABLE 17

1. When two amounts are given, higher figure includes dependents' allowances for one dependent child and/or nonworking spouse.
2. Minimum WBA computed annually in, **Kansas:** 25% of maximum weekly benefit amount; **New Mexico:** 10% of SAWW; **Oregon:** 15% of SAWW. **Washington:** 15% of SAWW.
3. **Connecticut, Hawaii, Illinois, Maryland, New Hampshire, New York, West Virginia:** the uniform potential benefit duration for all claimants who meet at least minimum qualifying requirements is 26 weeks. In **Illinois** the maximum benefit amount cannot exceed base period wages. In **Louisiana:** the maximum benefit amount cannot exceed 27% of covered, base period wages.
4. High-quarter (HQ) is the quarter in the base period (BP) in which the claimant's paid wages were highest.
5. **Wisconsin:** has an alternative BP for those who do not qualify under the original formula, see table 16.
6. **Iowa:** individual's wage in high quarter and another quarter of the base period must be at least 3.5% and 1.75%, respectively, of the state average annual wage.
7. **Wisconsin:** 4 weeks for certain family member employees from family owned businesses.
8. **Rhode Island:** qualifying requirements are 200 x min. hourly wage in one qtr. and BP wages of 1½ x HQ; provided that BP wages are at least 400 x min. hourly wage. Alternative qualifying requirement will be 3 x total BP minimum of 400 x min. hourly wage.
9. **Alabama:** average of two highest quarters; **Virginia:** refers to earnings in the two highest quarters.
10. **Alabama:** WBA is the average of two highest quarters divided by 26.
11. **New York:** the qualifying high quarter wage needed for benefit eligibility has been capped at 22 x maximum WBA. The first four out of the last five completed calendar quarters prior to filing the claim is the base period for eligibility. However, a claimant who has insufficient wages to qualify under the BP may qualify based on wages paid during the last four completed calendar quarters.

## FOOTNOTES FOR TABLE 17

12. **Michigan:** if no benefit entitlement results, the alternate method is to find wages in at least 2 quarters and total base period wages of 20 x SAWW. In 2015, the SAWW is \$910.71.
13. **New Jersey:** these figures are based on the current base week amount of \$165.
14. **Massachusetts:** the minimum possible duration of benefits at any rate is 10 weeks while the minimum possible rate at the minimum benefit rate is 30. In order to qualify for the minimum possible benefit rate of \$34 an applicant would need a specific base period wage configuration whereby duration of 30 weeks is the only possibility. It is possible to have a base period wage configuration that would qualify a claimant for a higher benefit rate but a duration as short as 10 weeks.
15. **Vermont:** minimum possible duration of benefits is 20 weeks. Maximum benefit amount is 26 weeks or 46% of wages, whichever is lower.
16. **Pennsylvania:** credit week is a week in the base year in which the claimant was paid remuneration of at least \$116.00.

# WEEKLY BENEFIT AMOUNTS

Table 18 shows the three methods states use for computing claimants' weekly benefit amounts (WBA). Implicit in all these methods are two long-standing unemployment compensation principles: (1) the weekly benefit amount should be directly related to the individual's usual wage, and (2) the benefit generally should replace 50 percent of wages. Some states compute the weekly benefit as a fraction of the claimant's wages in that calendar quarter of the base period in which wages were highest (employee's high quarter). A 1/26 fraction will produce 50 percent wage replacement for claimants who worked all 13 weeks in their high quarter.

States using an average weekly wage formula compute the weekly benefit as a percentage of the claimant's average weekly wage. These states use different methods of computing the average weekly wage. For example, Ohio divides the claimant's base-period wages by the number of weeks of wages.

States using an annual wage formula compute weekly benefits as a percentage of the total wages the claimant earned during the base period. If the claimant worked

steadily for 50 weeks at \$100, for example, the weekly benefit would be \$50, if the fraction is 1.0 percent. With fewer than 50 weeks, the weekly benefit would be less than \$50. Under this formula, the weekly benefit bears no necessary relationship to the worker's normal weekly wage, but rather to the normal annual wage.

Every state has a maximum weekly benefit amount. The maximum represents the point at which some claimants will not receive a 50 percent wage replacement. A \$500 maximum, for example, means that claimants whose normal weekly earnings are higher than \$1,000 will receive a benefit (\$500) representing less than half their usual wage. A maximum too low in relation to wages will result in most claimants qualifying for the maximum instead of a benefit related to their wages.

As Table 18 shows, a majority of states index the maximum to keep pace with rising wages. They establish the maximum as a fixed percentage (50-75%) of the statewide average weekly wage, usually over the last calendar year.

**TABLE 18 - WEEKLY BENEFIT AMOUNTS**

State	Method of Computing <sup>1</sup>	Minimum WBA <sup>3</sup>	Maximum WBA <sup>3</sup>	Maximum as % of State Average WW	Minimum Wage Credits Required for Maximum Weekly Benefit Amount	
					High Quarter	Base Period
(1)	(2)	(3)	(4)	(5)	(6)	(7)
High Quarter(s) Formula (Single HQ unless otherwise noted)						
Alabama	2HQs <sup>2</sup>	\$45	\$265		\$6,877.01	\$13,754.02
Arizona	1 1/25	126	240		5,987.50	7,000
Arkansas	1/26	81	451	66 2/3	11,726	15,785
California	1/23 - 1/26	40	450	N/A	11,674.01	11,674.01 <sup>10</sup>
Colorado	60% or 50% <sup>2</sup>	28	484-532	55 <sup>2</sup>	13,754 <sup>6</sup>	55,016
Connecticut	1/26 2HQs + d.a.	15-30	594-669	60	15,444 <sup>6</sup>	23,760
Delaware	1/46 2HQs <sup>2</sup>	20	330		15,180 <sup>6</sup>	15,180
D.C.	1/26	50	359	50	9,334	14,001
Florida	1/26 of HQ	32	275		7,150	10,725
Georgia	1/42 2HQs <sup>2</sup>	44	330		9,240	13,860
Hawaii	1/21	5	551	70	11,571	14,326
Idaho	1/26	72	398	57 <sup>5</sup>	8,278.4	10,348
Illinois	47% x 2HQs divided by 26	51	426-580	64%	11,758.50	23,517
Indiana	X <sup>1</sup>	37	390		Not Relevant - see Column (2)	11,563
Iowa	1/19 - 1/23	62-75	416-511	53 <sup>5</sup>	9,709	12,136
Kansas	4.25%	118	474	60%	11,153	14,220
Maine	1/22 of 2HQs <sup>2</sup>	67	386-579	52	8,492	30,108
Maryland <sup>11</sup>	1/24 + d.a.	50-58 <sup>4</sup>	430		10,296.01	15,480
Massachusetts	1/13, 1/21-1/26	34-51	698-1047	57.5	18,148 <sup>6</sup>	35,308

**TABLE 18 - WEEKLY BENEFIT AMOUNTS**

State	Method of Computing <sup>1</sup>	Minimum WBA <sup>3</sup>	Maximum WBA <sup>3</sup>	Maximum as % of State Average WW	Minimum Wage Credits Required for Maximum Weekly Benefit Amount	
					High Quarter	Base Period
(1)	(2)	(3)	(4)	(5)	(6)	(7)
Michigan	4.1%	117-123	362		8,830	13,245
Minnesota	1/104 <sup>2</sup>	25	640	66 2/3 <sup>5</sup>	-	66,560
Mississippi	1/26	30	235		6,110	9,400
Missouri	4.0% <sup>2</sup>	35	320		8,000 <sup>6</sup>	16,000
Nevada	1/25	16	412	50	10,300	15,450
New Mexico	53.5% of AWW in HQ	77	412	53.5	9,646	9,646
New York	1/26 of HQ <sup>2</sup>	64	405 <sup>2</sup>		10,530 <sup>7</sup>	14,985
North Dakota	1/65 of 2HQs <sup>2</sup>	43	594	62-65 <sup>5</sup>	15,444	38,610
Oklahoma	1/23	16	490	X <sup>5</sup>	11,270	16,905
Pennsylvania	1/23-1/25 + d.a. <sup>2</sup>	70-78	573-581	66 2/3	14,263	28,243 <sup>12</sup>
Puerto Rico	1/11-1/26	7	133	50	3,458	5,320
Rhode Island	3.85% x Average of 2HQs <sup>6</sup>	46-61 <sup>4</sup>	566-707 <sup>4</sup>	57.5 <sup>5</sup>	14,701.17 <sup>6</sup>	29,402.34 <sup>6</sup>
South Carolina	1/26 <sup>6</sup>	42	326	66 2/3 <sup>5</sup>	8,476	12,714
South Dakota	1/26	28	352	50	9,155	16,192
Tennessee	1/52 2HQs	30	275		7,150.01	14,300.01
Texas	1/25 <sup>8</sup>	64	465		11,625	17,205
Utah	(1/26) - 5	26	496	(62.5 <sup>5</sup> ) - 5	13,026	19,539
Vermont	1/45 2HQs <sup>2</sup>	73	42513 <sup>13</sup>	X <sup>5</sup>	2,351	19,620 <sup>13</sup>
Virginia <sup>14</sup>	1/50 2HQs <sup>2</sup>	60	378		18,900.01 <sup>6</sup>	18,900.01
Virgin Islands	1/26	33	477	65	12,402	18,603
Washington	3.85% 2HQ	151	637	63	16,546 <sup>6</sup>	33,092
Wisconsin	4.0%	54	363		9,250	12,950
Wyoming	4.0%	34	475	55 <sup>5</sup>	11,875	16,625
Annual Wage Formula						
Alaska	2.2 - .09 + d.a. <sup>2</sup>	56-128	370-442			42,000
Kentucky	1.1923 <sup>2</sup>	39	415	62 <sup>5</sup>		34,765
Louisiana	1/25 4 qtrs. <sup>2</sup>	10	247	66 2/3 <sup>5</sup>		28,400
New Hampshire	0.8 - 1.1	32	427			41,500
Oregon	1.25% of BP wages	128	538	64		43,920
West Virginia	1.0	24	424	66 2/3		40,150
Annual Weekly Wage Formula						
Montana	1.9% 2HQ or 1.0% total BP wages	134	471	67.5 <sup>9</sup>		24,800 for 1.9% option; 47,100 for 1.0% option
Nebraska	1/2 AWW of HQ	70	380	50%	9,880	29,640
New Jersey	60% + d.a. <sup>4</sup>	99	646 <sup>4</sup>	56 2/3		21,934 <sup>7</sup>
North Carolina	last 2 quarters of BP divided by 52	15	350			18,200
Ohio	50% + d.a. <sup>2</sup>	118.50	424-572 <sup>2</sup>	X <sup>5</sup>		16,960-22,802 <sup>2</sup>

## FOOTNOTES FOR TABLE 18

1. Unless noted separately, when two fractions are given, a weighted schedule is in use to give a greater proportion of high quarter wages to lower paid workers. When a state uses weighted HQ, annual wage or AWW formula, approximate fractions of percentages are taken at midpoint of lowest and highest normal wage brackets. When additional payments are provided for claimants with dependents, fractions and percentages shown apply to basic benefit amounts. **Indiana:**

## FOOTNOTES FOR TABLE 18

With respect to initial claims filed for any week beginning on and after July 1, 2012, each eligible individual who is totally unemployed (as defined in IC 22-4-3-1) in any week in the individual's benefit period shall be paid for the week, if properly claimed, an amount equal to 47% of the individual's prior average weekly wage, rounded (if not already a multiple of one dollar) to the next lower dollar. However, the maximum weekly benefit amount may not exceed \$390.

2. **Alabama:** 1/26 of average of 2 highest quarters. **Alaska:** dependents' allowance is \$24 per dependent up to three dependents and if over 90% of wages earned in one quarter, base period will be the other 3 quarters times 10. **Colorado:** 60% of 1/26 of 2 highest consecutive "base period" quarters up to 50% of SAWW or 50% of 1/52 of base period earnings up to 55% of SAWW, whichever is greater. **Delaware:** 1/46 of total wages in two high quarters. **Georgia:** 1/42 of sum of 2 highest quarters or 1/21 of HQ if secondary calculation is required. **Illinois:** 47% of claimant's wages in highest 2 quarters divided by 26. **Kentucky:** of the total base period wages. **Louisiana:** 1/25 of average of four quarters, also base on the trust fund balance, the WBA reflects a 5% increase and a 15% increase from the computation. The computation is increased and discounted each calendar year based on the state UI trust fund balance. **Maine:** 1/22 of the average of the two highest quarters. **Massachusetts:** if AWW is more than \$66, WBA is 1/52 of 2HQ, or 1/26 of HQ if the claimant has no more than two quarters of work. **Minnesota:** computed by 1/104 of claimant's base period wages. **Missouri:** 4% of average of two highest quarters. **New York:** if the claimant's HQ are \$3,575 or less, the WBA is 1/25 of HQ. Also, if the claimant's HQ are higher than \$3,575, the WBA can be no lower than \$143. **North Dakota:** 1/65 of sum of total wages in highest two quarters and ½ wages in third highest. **Ohio:** dependents' allowances available only to claimants who exceed maximum WBA earnings requirement. **Pennsylvania:** 1/23-1/25 or 50% full-time weekly wage, whichever is greater. Max ABA remains unchanged for 2015. **South Carolina:** 50% of average weekly wage in high quarter. **Vermont:** computed as wages in the two highest quarters divided by 45 but not more than the maximum. **Virginia:** 1/50 of total wages earned in two highest quarters.
3. When two amounts are given, higher figure includes dependents' allowances. Augmented amount for maximum weekly benefit amount includes allowances for maximum number of dependents.
4. **District of Columbia, Maryland, New Jersey:** maximum is the same with or without dependents. **Rhode Island:** for 2013 and later, minimum WBA is \$46 + \$15 per dependent up to \$96; maximum WBA is \$566 + DA up to \$707.
5. Among states with maximums computed as a percentage of State average Weekly Wage (SAWW)— **Idaho:** tied to employer tax rate. **Iowa:** 53% for claimants with no dependents, other percentages ranging from 55% to 65% apply to claimants with one or more dependents. **Kentucky:** annual increase limit depends on UI trust fund balance, no increase if tax schedule increases from previous year. **Louisiana:** maximum WBA varies according to trust fund balance. **North Dakota:** 62% of SAWW unless the average contribution rate paid by employers was below the national average, then it will be 65%. **Ohio:** adjusted annually to change in SAWW. **Oklahoma:** the greater of \$197 or 60%-50% of SAWW depending on condition of the fund. **Rhode Island:** effective July 1, 2012, the maximum WBA will be the greater of \$566 or 57.5% of SAWW. **South Carolina:** maximum permitted by law, currently administratively set at 50%. **Utah:** 62.5% of insured average fiscal year weekly wage. **Vermont:** maximum adjusted annually to change in SAWW, unless there are outstanding title xii loans. **Wyoming:** maximum frozen and if revenues are insufficient to pay benefits or repay loans maximum reduced to 85% of maximum.
6. **Colorado:** the two highest consecutive quarters. **Connecticut:** average of two high quarters unless claimant is a construction worker, then high quarter formula. **Missouri:** average of two highest quarters. **Delaware, Virginia:** highest two quarter earnings. **Massachusetts:** with earnings in two or fewer quarters, or as the average of the two highest quarters with earnings in three quarters or more. **Rhode Island:** effective July 1, 2014, WBA is established based on 3.85% of the average of two highest quarters. **Washington:** average of two high quarters.
7. **New York:** the qualifying high quarter wage needed for benefit eligibility has been capped at 22 x maximum WBA. **New Jersey:** minimum wages under alternative earnings criterion is \$8,300 for claimants with less than 20 base weeks. **Rhode Island:** effective July 1, 2014, WBA is established based on 3.85% of the average of the two highest quarters, and is not determined by the total base period wages. **Texas:** the computed benefit amount is rounded to the nearest whole dollar.
8. **Montana:** if tax schedule 1 is in effect, the percentage is 67.5%. if tax schedule 2 or higher is in effect, the percentage is 66.5%.
9. **California:** to establish a claim with the maximum WBA of \$450, an individual must have earned at least \$11,674.01 in the highest quarter in the base period; no other wages are necessary in the other quarters.
10. **Maryland:** effective for new claims filed on or after October 2, 2010 - the maximum WBA = \$430, high quarter = \$10,296, and the base period = \$15,480.
11. **Pennsylvania:** not less than 49.5% of the total wages in base period must have been paid in one or more quarters, other than the highest quarter.
12. **Vermont:** subject to change on July 1 of each calendar year.
13. **Virginia:** effective July 6, 2014.



# WAITING PERIOD

The waiting period is a noncompensable time of unemployment during which the claimant must have been otherwise eligible for unemployment benefits.

As shown in Table 19, most states require a claimant to serve a waiting period of at least one week before benefits become payable.

The waiting period for partial unemployment is generally identical to the requirement for total unemployment. In all states the waiting period applies to the claimant's benefit year.

States without a waiting week forfeit the 50% FUTA funding for the first week of the extended benefit.

**Table 19 - WAITING PERIOD REQUIREMENTS (IN WEEKS)**

State	Total Unemployment Requirement	Partial Unemployment Requirement	State	Total Unemployment Requirement	Partial Unemployment Requirement
Alabama	0 <sup>2</sup>	0 <sup>2</sup>	Nebraska	1	1
Alaska	1	1	Nevada	0	0
Arizona	1	1	New Hampshire	1 <sup>9</sup>	1 <sup>9</sup>
Arkansas	1	1	New Jersey	0	0
California	1 <sup>1,2</sup>	1 <sup>1,2</sup>	New Mexico	1	1
Colorado	1	1	New York	1 <sup>3</sup>	2 <sup>3</sup>
Connecticut	0	0	North Carolina	1 <sup>11</sup>	1 <sup>11</sup>
Delaware	1 <sup>10</sup>	1 <sup>10</sup>	North Dakota	1	1
D.C.	1	1	Ohio	1	1
Florida	1	1	Oklahoma	1	1
Georgia	0	0	Oregon	1	1
Hawaii	1	1	Pennsylvania	1	1
Idaho	1	1	Puerto Rico	1	1
Illinois	1	1	Rhode Island	1 <sup>5</sup>	1 <sup>5</sup>
Indiana	1	1	South Carolina	1	1
Iowa	0	0	South Dakota	1	1
Kansas	1 <sup>8</sup>	1	Tennessee	1 <sup>4</sup>	1 <sup>4</sup>
Kentucky	1	1	Texas	1 <sup>4</sup>	1 <sup>4</sup>
Louisiana	1	1	Utah	1 <sup>6</sup>	1 <sup>6</sup>
Maine	1	1	Vermont	1	1
Maryland	0	0	Virginia	1 <sup>7</sup>	1 <sup>7</sup>
Massachusetts	1	1	Virgin Islands	1	1
Michigan	0	0	Washington	1	1
Minnesota	1 <sup>5</sup>	1	West Virginia	1	1
Mississippi	1 <sup>5</sup>	1	Wisconsin	1	1
Missouri	1 <sup>4</sup>	1 <sup>4</sup>	Wyoming	0	0
Montana	1	1			

## FOOTNOTES FOR TABLE 19

- California:** waiting period may be served in the last week of the previous benefit year if the claim was exhausted prior to the last week of that benefit year.
- Alabama:** waiting week is the first compensable week in a benefit year. **California:** no interruption of benefits for consecutive weeks of unemployment in new benefit year; the waiting period is deferred if the claimant is in continued claim status between the expiring claim and the new claim; however, the waiting period must be served later in the new benefit year if there is an interruption of benefit payments.
- New York:** waiting period is four effective days per week, either wholly within week of an original valid claim, or partly within such week and partly within benefit year initiated by such claim.
- The waiting week is compensable in **Missouri:** when the remaining claim balance is equal to or less than the compensable amount for the waiting period; **Tennessee:** after claimant is eligible and certified for benefits in the waiting week and



## FOOTNOTES FOR TABLE 19

for each of the 3 consecutive weeks immediately following such waiting week; and **Texas:** after receipt of benefits equaling 3 x WBA.

5. **Minnesota, Mississippi:** no waiting week if unemployment from natural disaster. **Rhode Island:** no waiting week if unemployment from natural disaster or state of emergency.
6. **Utah:** no waiting week for claimants in department approved apprenticeship and other approved training.
7. **Virginia:** waiting period is waived if claimant's unemployment was caused by the employer terminating operations, closing its business, or declaring bankruptcy without paying the final wages earned.
8. **Kansas:** no waiting period if the claimant is unemployed because employer terminates business operations in the state; bankruptcy or initiating a work force reduction pursuant to P.L. 100-379, the federal worker adjustment and retraining notification act (29 U.S.C. 2101 - 2109), as amended.
9. **New Hampshire:** added a one-week waiting period effective January 3, 2010. The waiting week is applied to the first otherwise compensable week of total or partial unemployment. The claimant must serve a one week waiting period during each benefit year. The maximum benefit amount remains 26 times WBA.
10. **Delaware:** added a one-week waiting period effective January 1, 2014. The waiting week is applied to the first otherwise compensable week of total or partial unemployment. The claimant must serve a one-week waiting period during each benefit year. The maximum WBA remains 26 x WBA.
11. **North Carolina:** requires a waiting week period any time there is a break in the claim series within the benefit year (NIC, NIE, AIC, AIE).

# DEPENDENTS' ALLOWANCES

Fourteen state laws provide for the payment of dependents' allowances. While the definition of a compensable dependent varies among states, the dependent generally must be (1) wholly or mainly supported by the claimant, or (2) living with or receiving regular support from the claimant. All 14 states include children under a specified age, and in some states only children are recognized as dependents.

The amount of a dependent's allowance is generally a fixed sum, but in a few states the allowance is determined

not only by the number of dependents, but also by the amount of earnings in the claimant's base period. All states limit the total amount of the allowance payable for any week, either in terms of dollar amount, number of dependents, percentage of average weekly wage or of high-quarter wages, or percentage of basic benefits.

In most states the dependents' allowance increases the maximum amount of benefits payable in a benefit year because the allowance is added to the basic weekly benefit.

**TABLE 20 - DEPENDENTS' ALLOWANCES**

State	Weekly allowance per dependent	Limitation on weekly allowances	Minimum Weekly Benefit		Maximum Weekly Benefit		Maximum Potential Benefits	
			Basic Benefit	Maximum Allowance	Basic Benefit	Maximum Allowance	Without dependents	With dependents
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
Alaska	\$24 <sup>9</sup>	\$72	\$56	\$72	\$370	\$72	\$9,620	\$11,492
Connecticut	15	WBA	15	15	594	75	15,444	17,394
D.C.	15	50 or ½ WBA <sup>10</sup>	15	50	-	50	-	-
Illinois <sup>5</sup>	26-154	26	51	26	426	154	11,076	15,080 <sup>8</sup>
Iowa	3-39	Schedule	60	13	408	93	10,608	13,026
Maine	10	½ WBA	67	33	386	193	10,036	15,054
Maryland <sup>1</sup>	8	40	50	40	430	40	11,180	11,180
Massachusetts	25	½ WBA	34	17	698	349	20,940	31,410
Michigan	6 <sup>6</sup>	30	117 <sup>9</sup>	147	362	362	7,240	7,240
New Mexico <sup>7</sup>	25	X <sup>7</sup>	77	38 <sup>7</sup>	412	50	10,712	12,012 <sup>7</sup>
New Jersey	X <sup>4</sup>	X <sup>4</sup>	87	12	636	X <sup>1</sup>	16,536	16,536
Ohio	1-148 <sup>3</sup>	148	118	148	424	148	11,024	14,872
Pennsylvania	5 <sup>3</sup>	8	70	8	573	8	14,898	15,106
Rhode Island	X <sup>2</sup>	X <sup>2</sup>	46	50	566	141	14,716	18,382

## FOOTNOTES FOR TABLE 20

1. Same maximum WBA with or without dependents' allowances. Claimants at lower WBA may have benefits increased by dependents' allowances, or in **Maryland**: if partial benefits are payable for a week.
2. **Rhode Island**: greater of \$15 or 5% of weekly benefit rate (up to 5 dependents). The total dependents' allowance paid to any individual shall not exceed the greater of \$50 or 25% of the individual's benefit rate. Notwithstanding the above, the total amount of the dependents' allowance paid to individuals receiving partial unemployment benefits for any week shall be based on the percentage that their partial weekly benefit rate as compared to their full weekly benefit rate.
3. **Ohio**: benefits paid to claimants with dependents are determined by schedule according to the AWW and dependency class. **Pennsylvania**: provides \$5 for the first qualifying dependent and \$3 for a second qualifying dependent.
4. **New Jersey**: allowance computed as 7% of individual's WBA for the first dependent and 4% each for the next 2 dependents up to the maximum WBA.
5. **Illinois**: these numbers apply to a dependent child or children; there are different minimum and maximum amounts for a dependent spouse.
6. **Michigan**: claimant is allowed no more than five dependents.
7. **New Mexico**: claimant is allowed no more than two dependents, and dependency benefits shall not exceed 50% of the claimant's weekly benefit rate. The "maximum potential benefits," with dependents, is based on two dependents.
8. **Illinois**: dependent allowance is paid for every compensable week so that, if the claimant is paid partial weeks, the

## FOOTNOTES FOR TABLE 20

maximum potential benefits could be greater.

9. **Alaska:** claimant is allowed no more than three dependents .

10. **District of Columbia:** dependent allowance is \$15 for each dependent relative, but no more than \$50 or ½ WBA, whichever is less, with respect to any 1 week of unemployment. Dependent allowances are not charged to individual employer accounts. The number of dependents determined as of the day when the individual first files the UI claim and remains fixed for the duration of the benefit year.

# DURATION OF BENEFITS

Duration provisions vary greatly among the states. Table 21 shows the 8 states which use a uniform potential duration for all claimants. In most states, however, potential duration varies with the claimant's base period wages. For example, in the states with a duration of 1/3, a claimant with base period income of \$9,000 and a weekly benefit of \$150 would be entitled to a maximum potential of 20 weeks of benefits ( $1/3 \times \$9,000 \div \$150 = 20$  weeks).

The maximum potential number of weeks must be used within the claimant's benefit year. Most claimants do not exhaust their benefit year eligibility.

The Federal-State Extended Unemployment Compensation Act of 1970 established a second layer of benefits for claimants who exhaust their regular payments during periods of relatively high unemployment in a state. Financed 50% from FUTA and 50% from state unemployment tax, the program provides up to 13 or 20 extra weeks of benefits at the claimant's usual weekly benefit amount.

Extended benefits are triggered on when (1) the state's insured unemployment rate (IUR) for the past 13 week period is at least 5% and its current IUR is at least 120% higher than the average for the corresponding period in the prior 2 years. There are normally 2 optional triggers: (1) A state can waive the 120% requirement when the IUR is at least 6%; (2) A state can trigger on when its total unemployment rate (TUR) is at least 6.5% for a 3 month period and its current TUR is at least 110% higher than its average TUR for the corresponding 3-month period during one or both the past two years. Option 2 includes an additional 7 weeks of benefits when the state's TUR is at least 8% and its current TUR is at least 110% higher than its average TUR for the corresponding 3-month period during one or both the past two years. Extended benefits continue for at least 13 weeks and then cease when the state no longer meets the applicable requirement.

**TABLE 21 - DURATION OF BENEFITS**

State	Method of Computing	Minimum Weeks	Maximum Weeks	Amount	Maximum Potential Benefits	
					Wage Credits Required	
					High Quarter	Base Period
(1)	(2)	(3)	(4)	(5)	(6)	(7)
Uniform Potential Duration for All						
Connecticut	uniform	26	26 <sup>3</sup>	15,444-17,394	15,444 <sup>7</sup>	23,760
Hawaii	uniform	26	26 <sup>3</sup>	14,326	11,571	14,326
Illinois <sup>5</sup>	uniform	26 <sup>19</sup>	26 <sup>19</sup>	11,076 -15,080	11,758.50	23,517
Maryland	uniform	26	26	11,180	10,296.01	15,480
New Hampshire	uniform	26	26 <sup>3</sup>	11,102	-	41,500
New York <sup>4</sup>	uniform	26 <sup>9</sup>	26 <sup>3</sup>	10,530	10,530	14,985
Puerto Rico	uniform	26	26	3,458	3,458	5,320
West Virginia	uniform	26	26	11,024	-	40,150
Annual Wage Formula						
Alabama	1/3	15+	26	6,890	6,877.01	20,631.03
Alaska	X <sup>1</sup>	16	26 <sup>3</sup>	9,620-11,492	-	42,000
Arizona <sup>4</sup>	1/3	12+	26	6,240	5,987.50	18,720
Arkansas	Lesser of 25 x WBA or 1/3 BPW	12	25	11,275	11,726	47,008
California <sup>4</sup>	Lesser of 26 x WBA or 1/2 BPW	14+	26 <sup>3</sup>	11,700	11,674.01	23,400
Colorado	1/3 <sup>2</sup>	12	26	13,754	13,834 <sup>18</sup>	55,328
Delaware <sup>4</sup>	1/2	18	26	8,580	-	15,180
D.C.	1/2	19+	26 <sup>3</sup>	9,334	9,334	18,668
Florida	25% of BP	10	12-23 <sup>17</sup>	6,325	7,150	25,300
Georgia	1/4	6	14-20	6,600	13,200 <sup>7</sup>	26,400
Idaho	X <sup>1</sup>	10	26	10,348	8,278.40	29,458

**TABLE 21 - DURATION OF BENEFITS**

State	Method of Computing	Minimum Weeks	Maximum Weeks	Amount	Maximum Potential Benefits	
					Wage Credits Required	
					High Quarter	Base Period
(1)	(2)	(3)	(4)	(5)	(6)	(7)
Indiana <sup>4</sup>	28% <sup>2</sup>	None	26	10,140	No longer relevant	43,100
Iowa	1/3 <sup>1</sup>	7+	26	10,608-13,026	9,384	39,078
Kansas	1/3	10	26 <sup>22</sup>	12,324	11,573	32,930
Kentucky	Lesser of 1/3 BP or 26 x WBA	13	26	10,790	-	34,765
Louisiana <sup>11</sup>	26 x WBA	26	26	6,422	-	20,456
Maine <sup>4</sup>	1/3	15	26 <sup>3</sup>	10,036-15,054	8,492	30,108
Massachusetts <sup>6</sup>	36%	30	30 <sup>3</sup>	20,940-31,410	18,148 <sup>6</sup>	72,592
Michigan	43% BP wages divided by WBA	14	20 <sup>3</sup>	7,240	-	16,838
Minnesota	Lesser of 1/3 of BP or 26 x WBA	11	26	16,640	-	66,560
Mississippi	1/3	13+	26	6,110	6,110	9,400
Missouri	Lesser of 1/3 of BP or 20 x WBA <sup>2</sup>	8+	20	6,400	6,400	19,500
Montana	X <sup>1</sup>	8	28	13,188	No requirement - ration must be 3.5 or higher	No requirement - ration must be 3.5 or higher
Nebraska	1/3	1	26	9,880	9,880	29,640
Nevada	Lesser of 1/3 of BP wages or 26 weeks	8+	26	10,712	10,300	32,136
New Jersey	100% base weeks	20 <sup>12</sup>	26	16,796	-	27,996
New Mexico	Lesser of 26 x WBA or 60% of BP	Not specified	26	11,622 <sup>15</sup>	9,646	9,646
North Carolina	Total BP of wages divided by the average of last 2 quarters of BP x 8 2/3 <sup>8</sup>	13-5 <sup>21</sup>	20-12 <sup>21</sup>	7,000		14,000
North Dakota	X <sup>1</sup>	12	26	15,444	15,444	38,610
Ohio	20 + 1 for each qualifying week over 20	20	26	11,024-14,872	-	22,048
Oklahoma	26 x WBA or 20%-25% of SAAW or 40%-50% of individual's BP wage earned in insured work	Not specified	26	10,600	9,377	21,200
Oregon	Lesser of 26 x WBA or 1/3 BP	3	26	14,274	-	43,920
Pennsylvania <sup>4</sup>	X <sup>1,2</sup>	18	26	14,898-15,106	14,263	28,243 <sup>13</sup>
Rhode Island <sup>16</sup>	33%	17	26	14,716	14,701.17	44,593.93
South Carolina	Lesser of 1/3 total BP wages or 20 x WBA	Not specified	20	6,520	8,476	12,714
South Dakota	1/3	15+	26	9,152	9,152	24,456
Tennessee	1/4	13	26	7,150	7,150.01	28,600
Texas	27%	10	26	11,804	11,350	43,718
Utah	Total BP wages x 27%/WBA	10	26	12,896	13,026	48,244

**TABLE 21 - DURATION OF BENEFITS**

State	Method of Computing	Minimum Weeks	Maximum Weeks	Amount	Maximum Potential Benefits	
					Wage Credits Required	
					High Quarter	Base Period
(1)	(2)	(3)	(4)	(5)	(6)	(7)
Vermont	Lesser of 26 weeks x WBA or 46% BP wages	20	26	11,336 <sup>20</sup>	2,351	19,620
Virginia	X <sup>1</sup>	12	26	9,828	18,900.01 <sup>7</sup>	37,800.01
Virgin Islands	1/3	13	26	12,402	12,402	14,625
Washington	Lesser of 1/3 BP or 26 x WBA	Not specified	26	16,562	16,546 <sup>14</sup>	33,092 <sup>14</sup>
Wisconsin	Lesser of 40% BP wages or 26 weeks	14 <sup>10</sup>	26	9,620	9,250	23,680
Wyoming	Lesser of 30% BP wages or 26 weeks	11	26	12,350	11,875	41,167

## FOOTNOTES FOR TABLE 21

1. In states with weighted tables, the percent is figured at the bottom end of the highest wage brackets. In some states, the percentages at other brackets are different from the percentage shown. In **Alaska, Idaho, Montana, North Dakota**: duration is based on specified ratios of base period wages to high-quarter wages. **Iowa**: if laid off due to employer going out of business, 1/2 of base period wages up to 39 weeks. **Pennsylvania**: duration corresponds to number of credit weeks earned during the base year. A credit week is a week in the base year in which the claimant was paid remuneration of at least \$100.00. Example: 18 credit weeks = 18 weeks of benefits. 20 credit weeks = 20 weeks of benefits. **Virginia**: duration is based on specified ratios of base period earnings to two high quarter earnings.
2. Only specified amount of wages per quarter may be used to compute duration of benefits; lesser of 1/3 base period wages (not to exceed 1/3 of 26 x max. WBA per quarter) or in: **Colorado**: 26 x max. WBA; **Indiana**: based on 2011 legislation, Indiana's method of computing benefit amounts will change for any initial claims filed for any week beginning on or after July 1, 2012. **Missouri**: 26 x claimant's WBA; **Pennsylvania**: WBA is 1/2 of maximum or more, (when fund balance ratio 50% or less) the combined WBA and allowance is reduced by 1.7% but not below 1/2 of maximum, unless other deductions apply.
3. **Alaska**: pays supplemental state benefits if a claimant meets all requirements for the Federal-State EB program except for the additional earnings. In the following states, benefits are extended when unemployment reaches specified levels in, **California**: by 50% of the regular maximum benefit amount under the Fed-State EB program; also, additional benefits may be available for individuals who are in a State-approved training program, and have exhausted their regular unemployment benefits; **Connecticut, Hawaii**: by 13 weeks; **Massachusetts**: maximum number of weeks drops to 26 during periods of federal extended benefits, and regular duration may be extended up to 18 weeks for claimants certified as attending a vocational retraining course approved by the agency; **Maine**: up to 26 weeks for dislocated workers in approved training; **Michigan**: regular duration may be extended up to 18 weeks for claimants certified as attending a vocational retraining course approved by the agency. **New Hampshire**: when TUR is 8.0% or more the extended benefits program increases from 13 to 20 payable weeks. **New York**: up to 104 effective days of additional benefits to claimants attending approved training. **District of Columbia**: claimant who has exhausted regular and extended benefits enrolled in and making satisfactory progress in approved training under WIA eligible for training extension benefits not to exceed 26 times the claimant's WBA of the most recent benefit year.
4. **Arizona, California, Delaware, Indiana, Maine, Massachusetts, New York, Pennsylvania**: have established special programs for dislocated workers which include job search assistance and job training. None of these programs (except **California** and **Maine**) is funded from the states' unemployment funds.
5. **Illinois**: maximum potential benefits could be higher because the full dependents' allowance is paid for each week of partial unemployment, but may not exceed base period earnings.
6. **Massachusetts**: HQ amount is required with earnings in two or fewer quarters, or as the average of the two highest quarters with earnings in three quarters or more.
7. **Connecticut**: average of two highest quarters. **Georgia**: the sum of two highest quarters. **Virginia**: earnings for two quarters instead of one high quarter.
8. **North Carolina**: result is rounded to nearest whole number.
9. **New York**: after receiving 13 weeks of benefits — if claimant is offered a job that pays at least 80% of their previous high quarter wages in their base period, as well as the prevailing rate for similar jobs in that locality, claimant will be required to accept employment, which he/she is capable of performing, even if not suited for the position by training or experience.

## FOOTNOTES FOR TABLE 21

10. **Wisconsin:** 4 weeks for certain family member employees of a family business.
11. **Louisiana:** for extended benefits \$3,211 is maximum and is based on a MWBA of \$247 and MBA of \$6,422. Total EB is the least of (1) 50% of total UI, (2) 13 x WBA, or (3) 39 x WBA less UI.
12. **New Jersey:** if claim eligibility is based on the alternate earnings test, minimum weeks can be as few as 1.
13. **Pennsylvania:** claimant will be ineligible for benefits unless 49.5% of total base year wages are paid in one or more quarters outside the high quarter.
14. **Washington:** average of two high quarters must equal \$16,546.
15. **New Mexico:** includes dependents.
16. **Rhode Island:** effective July 1, 2012, the maximum amount an individual can collect is 33% of the total base period wages subject to a maximum of 26 weeks. HQ amount is based on the average earnings in the two highest quarters.
17. **Florida:** effective January 1, 2012, the maximum UC duration period decreased to a variable maximum duration, depending on the state unemployment rate and ranging from 12 weeks up to 23 weeks. Up to 12 weeks will be available if the state unemployment rate is 5% or less. Each 0.5% increase in the state unemployment rate above 5% will add an additional week of UC benefit duration. Finally, up to 23 weeks of regular UC benefits will be available if the state unemployment rate is at least 10.5%.
18. **Colorado:** two highest consecutive quarters.
19. **Illinois:** maximum amount cannot exceed total base period wages.
20. **Vermont:** subject to change on July 1 of each calendar year.
21. **North Carolina:** the maximum and minimum number of weeks adjusted in January and July each year based on the average of the seasonally adjusted unemployment rate for a three month period. January's duration is based on the average of the preceding July - September, and July's duration is based on the preceding January - March. The duration is indexed to a duration table that adjusts the duration by one week for every 0.5% change in the average rate. Therefore, the minimum duration floor of 5 weeks will apply when the average rate is 5.5% or below, and the ceiling of 13 weeks applies when the rate is 9.0% or greater. Likewise, the maximum duration floor of 12 weeks applies at 5.5% or below, and 20 weeks at 9.0% or greater.
22. **Kansas:** maximum duration depends on state's unemployment rate. If the three month seasonally adjusted average is less than 4.5%, max 16 weeks. If average is over 6.0%, then 26 weeks. If in between, then 20 weeks.



# PARTIAL UNEMPLOYMENT AND EARNINGS DISREGARD

All states provide for the payment of unemployment benefits when underemployment reaches a certain level. In most states, a worker is partially unemployed during a week of less than full-time work if earnings from the regular employer (or odd-job earnings) are less than the weekly benefit amount. In some states, a claimant is partially unemployed during a week of less than full-time work when less than the weekly benefit amount, plus an allowance, is earned from odd-jobs or any other source.

As shown in Table 22, the amount of benefits for a week of partial unemployment is usually the weekly benefit amount less wages earned during the week, plus a specified allowance. In some states, if the benefit for a week of partial unemployment is not an even dollar amount, the benefit may be rounded to the nearest or next higher dollar. For example, in a state with a \$50 allowance and rounding to the next higher dollar, a claimant with a \$500 weekly benefit and earnings of \$100.95 would receive a partial benefit of \$450.

**Table 22 - PARTIAL UNEMPLOYMENT AND EARNINGS DISREGARD**

State	Definition of partial unemployment: week of less than full-time work if earnings are less than	Earnings disregarded in computing weekly benefit for partial unemployment	State	Definition of partial unemployment: week of less than full-time work if earnings are less than	Earnings disregarded in computing weekly benefit for partial unemployment
Alabama	WBA	\$15	Nebraska	WBA	WBA <sup>6</sup>
Alaska	1 1/3 x WBA + \$50	3/4 wages over \$50	Nevada	WBA	1/4 wages
Arizona <sup>9</sup>	WBA	\$30	New Hampshire	WBA + 30%	30% of WBA
Arkansas	WBA + 2/5 WBA	2/5 WBA	New Jersey	WBA + 20%	1/5 WBA
California <sup>8</sup>	WBA	Greater of \$25 or 25% of wages	New Mexico	WBA	1/5 WBA
Colorado <sup>13</sup>	WBA	1/4 WBA	New York	X <sup>2</sup>	X <sup>2</sup>
Connecticut	1 1/2 x basic WBA	1/3 wages <sup>3</sup>	North Carolina	X <sup>1</sup>	20% WBA
Delaware	WBA + greater of \$10 or 50% of WBA	Greater of \$10 or 50% of WBA	North Dakota	WBA	60% WBA
D.C.	1 1/4 x WBA + \$20	1/5 wages	Ohio	WBA	20% WBA
Florida	WBA	8 x fed. hourly minimum wage	Oklahoma	WBA + \$100	\$100
Georgia	WBA + \$50	\$50	Oregon	WBA	Greater of 10 x min. hourly wage or 1/3 WBA
Hawaii	WBA	\$150	Pennsylvania	WBA + 30% WBA	30% WBA <sup>10</sup>
Idaho	WBA + 1/2 WBA	1/2 WBA	Puerto Rico	1 1/2 x WBA <sup>1</sup>	WBA
Illinois <sup>8</sup>	WBA	1/2 WBA	Rhode Island	Basic WBA	1/5 WBA
Indiana <sup>8</sup>	WBA	Greater of \$3 or 1/5 WBA from other than BP employers	South Carolina	WBA	1/4 WBA
Iowa	WBA + \$15	1/4 WBA	South Dakota	WBA	\$25 + 25% up to WBA
Kansas	WBA	25% of WBA	Tennessee	WBA	Greater of \$50 or 25% WBA
Kentucky	1 1/4 x WBA	1/5	Texas	WBA + greater of \$5 or 1/4 WBA	Greater of \$5 or 1/4 WBA

**Table 22 - PARTIAL UNEMPLOYMENT AND EARNINGS DISREGARD**

State	Definition of partial unemployment: week of less than full-time work if earnings are less than	Earnings disregarded in computing weekly benefit for partial unemployment	State	Definition of partial unemployment: week of less than full-time work if earnings are less than	Earnings disregarded in computing weekly benefit for partial unemployment
Louisiana	WBA	Less than ½ WBA or \$50	Utah	WBA	30% WBA
Maine <sup>8</sup>	WBA + \$5	\$25	Vermont <sup>12</sup>	2 x WBA	50% earnings
Maryland	WBA	\$50	Virginia	WBA	\$50
Massachusetts <sup>4</sup>	Up to 1 1/3 x basic WBA		Virgin Islands	1 1/3 x WBA + \$15	25% wages over \$15
Michigan <sup>11</sup>			Washington <sup>8</sup>	1 1/3 x WBA + \$5	¼ wages over \$5 <sup>14</sup>
Minnesota <sup>8</sup>	WBA + less than 32 hours of work	50% of earnings	West Virginia	WBA + \$61	\$60
Mississippi	WBA	\$40	Wisconsin <sup>7</sup>	Benefits of at least \$5 after earnings disregard	disregard \$30 + WBA shall be reduced by 67% of remaining amount
Missouri	WBA + greater of \$20 or 20% of WBA	Greater of \$20 or 20% of WBA	Wyoming	WBA	½ WBA
Montana <sup>5</sup>	2 x WBA	¼ WBA and ½ wages over ¼			

## FOOTNOTES FOR TABLE 22

- North Carolina:** week of less than 3 customary scheduled full-time days. **Puerto Rico:** week in which claimant performs less than full-time work and wages or remuneration from self employment are less than 1½ times claimant's WBA.
- New York:** partial benefits are not paid for week(s) when claimant's earnings exceed the maximum weekly benefit rate of \$405 or when claimant was employed on four or more days during the week.
- Connecticut:** or any earnings derived from self-employment.
- Massachusetts:** formula uses WBA exclusive of any dependency allowance.
- Montana:** self-employment earnings, non-covered or exempt from definition of employment, are not reported.
- Nebraska:** earnings up to ¼ of claimant's WBA are disregarded with a dollar-for-dollar offset for earnings in excess of ¼ of claimant's WBA.
- Wisconsin:** if 16 or more available hours are missed in a week, the claimant is ineligible for benefits. If less than 16 hours of work are missed in a week, the amount of benefits payable are determined by applying the partial wage formula. Nothing is payable for a week if claimant A) had 32 or more hours including hours worked, hours missed and/or holiday, vacation, dismissal and/or sick pay, or B) received or will receive more than \$500 in wages, and/or holiday, vacation, dismissal, sick, bonus pay, back pay and/or termination pay.
- These states have special provisions concerning benefits for claimants who are unable or unavailable to work for part of a week. In these states a % of WBA is deducted for each day not at work in, **California:** 1/7 WBA when unable to work one to six days; **Illinois:** 1/5 WBA; **Indiana:** 1/3 WBA; **Maine:** prorates benefits for the portion of the week unable to work for good cause as defined by law.; **Minnesota:** 1/5 WBA; **Washington:** 1/7 WBA, however no benefits are paid if claimant is unavailable 3 or more days in a week.
- Arizona:** individual is considered unemployed for any week of less than full-time work only if individual is not at fault for reduction in hours.
- Pennsylvania:** excludes emergency and weekend drill and instruction pay for members of the National Guard and armed forces reserves.
- Michigan:** benefits are reduced by 40 cents for each dollar earned, and wages and benefits combined cannot exceed 1.6 times the weekly benefit amount. Effective October 1, 2015, benefits will be reduced by 50 cents for each dollar earned, and wages and benefits combined cannot exceed 1.5 times the weekly benefit amount.
- Vermont:** individual is considered to be employed full time if they work 35 hours or more.
- Colorado:** the individual must also work fewer than 32 hours in a given week to meet the definition of partial unemployment.
- Washington:** earnings disregard is different for individuals receiving Training Benefits: 1/2 wages over \$5.

# SHORT-TIME COMPENSATION (WORKSHARING)

Some states authorize short-time compensation for participants in worksharing plans. Under worksharing an employer with a reduced workload avoids layoffs by cutting employees' regular hours. Short-time unemployment benefits are payable to workers for the hours lost.

Without special legislation, most states' partial benefit formulas would prevent receipt of any benefits unless a claimant's wages, after having worked less than full-time, are very low (usually less than the weekly benefit amount).

Benefits for those involved in worksharing are payable in the same proportion to a full weekly benefit amount as the hours lost bear to full-time work. One day off, for example, would yield a benefit equal to one-fifth of the benefit for a full 5-day week of unemployment.

Under short-time compensation laws, claimants may be deemed to meet the regular availability to work, actively seeking work, or refusal of work requirements by being available for their normal work week. States generally limit the number of weeks that benefits are paid under worksharing plans. Many state laws contain special financing provisions.

**Table 23 - WORKSHARING PLANS**

State (1)	Duration of Plan Before New Approval is Required (2)	Limits on Number of Weeks (3)	Required Reduction of Work (4)	Computation of WBA (5)	Financing by Participating Employers (6)
Arizona	One year	26	At least 10% but not more than 40%	Amt. proportionate to the ratio of normal hours not compensated to normal hours	1% added if negative reserve ratio is at least 5% but less than 15%; 2% added if negative reserve ratio is 15% or more
Arkansas	12 months	25	At least 10% but not more than 40%	WBA multiplied by % of reduction (at least 10%) of individual's usual hours	No special financing
California	12 months <sup>5</sup>	X <sup>1</sup>	At least 10% but no more than 60%	Percentage of reduction in individual's wages multiplied by individual's WBA	No special financing
Colorado	12 months	26	At least 10% but not more than 40%	WBA multiplied by nearest full % of reduction of the individual's hours rounded to next full dollar	Charged to employer account in same manner as regular benefits
Connecticut	6 months	26 <sup>3</sup>	At least 10% but not more than 60%	WBA multiplied by nearest full % of reduction of the individual's hours	No special financing
D.C.	12 months	26	At least 20% but not more than 40%		100% employer financed

**Table 23 - WORKSHARING PLANS**

State (1)	Duration of Plan Before New Approval is Required (2)	Limits on Number of Weeks (3)	Required Reduction of Work (4)	Computation of WBA (5)	Financing by Participating Employers (6)
Florida	12 months	26	At least 10% but not more than 40%	Product of WBA and ratio of the number of normal weekly hours not compensated to normal hours	Participating employer's maximum rate shall be 1% above current max. applicable to other employers
Iowa	24 months	26	At least 20% but not more than 50%	WBA multiplied by % of reduction in individual's hours	No special financing
Kansas	12 months	26	At least 20 % but not more than 40%	WBA multiplied by nearest full % of reduction of the individual's hours	Not applicable to negative balance and delinquent governmental and reimbursing employers
Maine	12 full calendar months after approval	52	At least 10% but not more than 50%	(WBA+Dependency) multiplied by the % reduction rounded down to the next lower dollar	All worksharing benefits charged to worksharing employer regardless of base period charging rule
Maryland	6 months	26	Not less than 20%; not more than 50% (50% max. maybe waived by Secretary)	WBA multiplied by the % of reduction in worker's normal weekly hours + d.a.	No special financing
Massachusetts	26 weeks	26	At least 10% but not more than 60%	WBA multiplied by the % reduction in normal hours (plus dependents allowance reduced by same %)	Negative balance employers reimburse 100% of benefit charges, all others charged as regular benefits
Michigan	52 weeks	X <sup>8</sup>	At least 15% but not more than 45%	WBA multiplied by Reduction Percentage rounded down to next lower dollar	None if full federal reimbursement; 50% of benefits paid if partial federal reimbursement.
Minnesota	12 months	52	At least 10% but not more than 50%	WBA multiplied by nearest full % of reduction in individual's regular weekly hours	No special financing
Missouri	12 months	52	At least 20% but not more than 40%	WBA multiplied by % reduction in individual's hours	Participating employer's base tax rate can be as high as 9%

**Table 23 - WORKSHARING PLANS**

State (1)	Duration of Plan Before New Approval is Required (2)	Limits on Number of Weeks (3)	Required Reduction of Work (4)	Computation of WBA (5)	Financing by Participating Employers (6)
New Hampshire	26 weeks	26 <sup>1</sup>	At least 10% but not more than 50%	WBA multiplied by % reduction in individual's hours	All worksharing benefits charged to worksharing employer regardless of base period or most recent employer charging rules <sup>3</sup>
New York	53 weeks	26	At least 20% but not more than 60%	WBA multiplied by % reduction in (20- 60%) of individual's usual wages	No special financing. Benefit charges are by dollar amounts not by effective days
New Jersey	12 months	26	At least 10%	WBA multiplied by % reduction of individual's wages resulting from reduced hours of work	All short-time benefits paid to individual shall be charged to account of the shared work employer
Ohio <sup>4</sup>	52 calendar weeks	52	At least 10% but not more than 50%	WBA multiplied by reduction percentage then rounded down to next lower dollar	During federal financing, only the portion not reimbursed by the federal government. After federal financing, normal charging rules apply
Oregon	52 weeks	52	At least 20% but not more than 40%	WBA multiplied by nearest full % of reduction of the individual's regular weekly hours of work	All worksharing benefits are charged to an employer in the same manner as regular benefits or extended benefits.
Pennsylvania	52 weeks	52	At least 20% (with not less than 2 employees) but not more than 40%	WBA multiplied by % reduction in individual hours	Charged to employer account(s) in same manner as regular benefits.
Rhode Island	12 months	52	At least 10% but not more than 50%	WBA multiplied by % of reduction (or at least 10%) of individual's usual hours	No special financing
Texas	12 months	52	At least 10% but not more than 40%	WBA multiplied by % of reduction of individual's hours	No special financing
Vermont	6 months or date of plan, if earlier	26	At least 20% but not more than 50%	WBA multiplied by % of reduction of individual's usual weekly hours of work	No special financing

**Table 23 - WORKSHARING PLANS**

State (1)	Duration of Plan Before New Approval is Required (2)	Limits on Number of Weeks (3)	Required Reduction of Work (4)	Computation of WBA (5)	Financing by Participating Employers (6)
Virginia	End of 6th full month after effective date of plan or date specified in plan, if earlier	26	Not less than 10% and not more than 60%	WBA multiplied by % reduction in individual's usual weekly hours of work	No special financing
Washington <sup>6</sup>	12 months or date of plan, if earlier	X <sup>6</sup>	Not less than 10% nor more than 50%	WBA multiplied by % of reduction of individual's usual hours	No special financing
Wisconsin	6 months or date specified in plan, if earlier <sup>7</sup>	26 <sup>7</sup>	At least 10% but not more than 50%	Higher amount of WBA multiplied by % of reduction of individual's usual work	

## FOOTNOTES FOR TABLE 23

1. **California and New Hampshire:** No limit on number of weeks, but total paid can not exceed 26 x WBA.
2. **26** week extension possible.
3. **New Hampshire:** Negatively rated employer must agree to reimburse dollar for dollar.
4. **Ohio:** Legislation authorizing Ohio's version of STC, entitled SharedWork Ohio, was enacted in 2013.
5. **California:** For worksharing plans effective on or after July 6, 2014, the length of an approved plan is 12 months. For plans effective on or before July 5, 2014, the length of the approved plan is six months.
6. **Washington:** Employers using Worksharing are eligible for benefit charge relief for Workshare weeks paid between July 1, 2012 and June 28, 2015 to the extent reimbursed by federal funds. Column (3) No limit on weeks but total paid cannot exceed maximum entitlement.
7. **Wisconsin:** Column (2) Program ends on the earlier of the last Sunday that precedes the end of the 6 month period beginning on the effective date of the program or any Sunday before that day specified in the plan unless the plan terminates on an earlier date. Column (3) No workshare plan may be in effect for a period greater than 6 months over a 5 year period for the same "work unit". This would effectively limit the duration of any plan and corresponding benefit entitlement under a workshare plan to a period of 26 weeks.
8. **Michigan:** No limit on the number of weeks; the benefits are paid until the maximum benefit amount is exhausted.



# SEASONALITY PROVISIONS

Eighteen states have special provisions relating to workers employed in seasonal industries. As Table 24 shows, these provisions usually include definitions of “seasonal industry” and “seasonal worker.” Generally,

benefits based on seasonal work are limited to unemployment occurring during the operating period of the seasonal industry.

**Table 24 - SEASONALITY PROVISIONS**

State (1)	Seasonal Industry (2)	Seasonal Worker (3)	Restriction (4)
	Industry which customarily operates only during regularly recurring periods of less than:	Seasonal wages in operating period of seasonal industry:	Seasonal wage credits available for benefits:
Colorado	26 weeks	Some seasonal wages	Only during season
Indiana	26 weeks	Some seasonal wages	Only during season
Maine	26 weeks	Some seasonal wages	Only during season
Massachusetts	16 weeks	Some seasonal wages	Only during season
Michigan <sup>1</sup>			Only during season
Ohio	40 weeks	Effective 10/31/2011: both “significantly” seasonal wages and “reasonable assurance” are preconditions for benefit eligibility in the period between two successive seasonal periods. “Significantly” is defined as 40% or more of the individual’s base period performed in seasonal employment.	Only during season
North Carolina	36 weeks	25% or more of base period wages earned in season with seasonal employer	Only during season



**Table 24 - SEASONALITY PROVISIONS**

State (1)	Seasonal Industry (2)	Seasonal Worker (3)	Restriction (4)
South Dakota	7 months	Some seasonal wages	Only during season
	<b>Other industry definitions</b>	<b>Seasonal wages in operating period of seasonal industry:</b>	<b>Seasonal wage credits available for benefits:</b>
Arizona	Single employer who qualifies for state agency's transient lodging classification; employer's workforce must be reduced by at least 2/3 of the average highest 12 wks. of employment during one-year period prior to seasonal slowdown. Wages from a private school bus contractor are not usable between terms or during vacation periods if employee has a reasonable assurance of returning at the resumption of regular school schedule	Some seasonal wages	Only during season
Arkansas	Industry which customarily lays off 40% or more workers for at least 4 consecutive months during regularly recurring period each year	2-6 months. Off-season wages less than 24 x WBA if season is 7-8 months.	Only during season
Delaware	First processing of agricultural products and/or seafood products	75% or more of base period wages earned in seasonal employment	Only during season. Benefit payable in any calendar month only if claimant employed in corresponding month of claim base period.
Mississippi	Cotton ginning or professional baseball	Off-season wages less than 30 x WBA if earned in cotton ginning or professional baseball with season of 6-26 weeks, or less than 24 x WBA if earned in cotton ginning or professional baseball with season of 27-36 weeks	Only during season
New Mexico	Ski area operator	Ski employee who has worked for a ski area operator less than six consecutive months or nine of the previous twelve months	Only during season. Presumed unavailable for work after two successive ski seasons employed by a ski area when claimant does not live, and has not lived, continuously for twelve months in the same county where ski area is located.

**Table 24 - SEASONALITY PROVISIONS**

State (1)	Seasonal Industry (2)	Seasonal Worker (3)	Restriction (4)
Pennsylvania	An industry or process, which because of climactic conditions make it impractical or impossible to do or operate otherwise. This is usually commercial canning or commercial freezing of fruits and vegetables operating during regularly recurring period of 180 days or less in a calendar year	Performs commercial canning or commercial freezing services for less than 180 days in a year	Only during season. Between seasons benefits based on nonseasonal wages. If there is no opportunity for work next season benefits based on both seasonal and nonseasonal wages payable retroactively.
Tennessee (Effective 1/1/2016)	An employer which customarily carries on production operations only within a regularly recurring active period or periods of less than an aggregate of 36 weeks in a calendar year.	Benefits paid to claimants with wages earned in seasonal employment during the base period will be paid in the same manner as school wages.	Benefits based on seasonal wages will not be paid to a seasonal worker who performs service for a seasonal employer in the first of two successive normal active periods and there is a reasonable assurance that the seasonal worker will perform the service in the second of the active periods.
Utah	Claimants are deferred from the work search requirement when out of work due to seasonal factors, including construction, specialized seasonal industrial work, rural tourist areas, and those who have a pattern of work between seasonal jobs.	The majority of BP wages must be in seasonal employment	Only during period claimant is out of work due to seasonal factors
West Virginia	Industry recognized seasonal: such as food processing and canning	Some seasonal wages	Ineligible if less than 100 days in seasonal industry and less than \$100 in other work
	<b>Other industry definitions</b>	<b>Seasonal wages in operating period of seasonal industry:</b>	<b>Seasonal wage credits available for benefits:</b>
Wisconsin	Seasonal agricultural employers and employers in a tourism, recreational or tourist service industry if at least 75% of the gross wages paid by employer during prior year were paid in 2 cal. qtrs. Employers voluntarily elect seasonal designation. An additional 2% solvency tax applies to seasonal employers.	The work may be excluded for UI purposes, or if worker was employed for a period less than 90 days and earned less than \$500 of covered base period wages from other employers and received written notice before starting.	

## FOOTNOTES FOR TABLE 24

1. **Michigan:** an employer, other than an employer in the construction industry, can request and receive designation as a 'seasonal employer' if the employer employs one or more workers who are hired primarily to perform services during regularly recurring periods of 26 weeks or less in any 52-week period.

# DISQUALIFYING INCOME

Table 25 shows disqualifications for claimants who receive certain kinds of income. Other kinds of income, such as holiday, vacation, and back pay may also be disqualifying in some states. Aside from the provisions of state laws identifying specific kinds of income as disqualifying, all state laws require claimants to be unemployed and able and available for work. Accordingly, even though a state may not specify that vacation pay, for example, is disqualifying, receipt of such pay would raise questions about the claimant's availability for work in most states. Similarly, receipt by a claimant of workers' compensation will provoke questions of the individual's physical ability to work, even in states that do not earmark such compensation as disqualifying income. Table 25 thus shows the states whose laws specifically identify certain income as disqualifying, but it does not show every state where receipt of such income will result in termination of benefits.

Federal law requires states to reduce the weekly benefit amount of any individual by the weekly amount

of a "governmental or other pension, retirement or retired pay, annuity, or any other similar periodic payment which is based on the previous work of such individual." This requirement applies only to payments made under a plan maintained or contributed to by a base-period or chargeable employer. States may apply the reduction on a wider basis if they wish. In addition, states may disregard pension payments if the base-period employment did not affect eligibility for or increase the amount of the pension.

Under the federal pension offset, Social Security and Railroad Retirement benefits are deductible regardless of whether wages or services for a base-period or chargeable employer affected eligibility for or increased the amount of the income. States may reduce benefits on less than a dollar-for-dollar basis to take into account any contributions made by the worker to the retirement plan, and most states have elected to make such adjustments to deduction.

**TABLE 25 - TYPES OF DISQUALIFYING INCOME**

State	Workers' Compensation <sup>1</sup>	Wages in Lieu of Notice <sup>1</sup>	Dismissal Payments <sup>1,2</sup>	Pensions			
				All Pensions	Base Period Employer Financed Pensions	Deductions Adjusted For:	
						Employee Contributions to Pensions	Pensions Not Affected by Base Period Work <sup>5</sup>
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Alabama <sup>16</sup>	R <sup>3</sup>	R / D <sup>15</sup>	R / D <sup>15</sup>		X		X
Alaska		R	R <sup>36</sup>		X	X <sup>14</sup>	X
Arizona		D <sup>29</sup>	D <sup>29</sup>		X	X	X
Arkansas		R	R <sup>4</sup>		X <sup>7</sup>		
California	R <sup>3</sup>	R <sup>26</sup>			X	X	X
Colorado	R <sup>3</sup>	R <sup>17</sup>	R <sup>17</sup>		X		
Connecticut	D <sup>3</sup>	D	D		X	X	X
Delaware	R	R	R		X	X	X
D.C.			R		X <sup>7</sup>	X	X
Florida	R <sup>3</sup>	R	R		X	X	X
Georgia	D <sup>3</sup>	D <sup>11</sup>	D <sup>11</sup>		X	X <sup>12</sup>	X <sup>12</sup>
Hawaii	D <sup>3</sup>				X		
Idaho	R <sup>3</sup>	R	R		X	X <sup>30</sup>	X
Illinois	R <sup>3</sup>	R			X <sup>13</sup>	X	
Indiana		R	D		X		
Iowa	R <sup>3</sup>	R	R		X	X	X
Kansas	D <sup>3</sup>		R <sup>28</sup>		X <sup>27</sup>	X	X
Kentucky		R			X	X <sup>22</sup>	X <sup>22</sup>
Louisiana	R <sup>3</sup>	R	R		X		

**TABLE 25 - TYPES OF DISQUALIFYING INCOME**

State	Workers' Compensation <sup>1</sup>	Wages in Lieu of Notice <sup>1</sup>	Dismissal Payments <sup>1,2</sup>	Pensions			
				All Pensions	Base Period Employer Financed Pensions	Deductions Adjusted For:	
						Employee Contributions to Pensions	Pensions Not Affected by Base Period Work <sup>5</sup>
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Maine		R	R <sup>40</sup>		X	X	
Maryland		R	R		X <sup>6</sup>	X	X
Massachusetts	D <sup>3</sup>	D <sup>9</sup>	D <sup>9</sup>		X	X	X
Michigan		D	D		X	X <sup>8</sup>	X <sup>14</sup>
Minnesota	R <sup>3</sup>	R	R <sup>23</sup>		X		X
Mississippi					X		
Missouri	R <sup>3</sup>	R <sup>37</sup>			X <sup>7</sup>	X <sup>31</sup>	
Montana	D <sup>3</sup>		R <sup>21</sup>		X	X	X
Nebraska	R <sup>3</sup>	R	R		X <sup>7</sup>	X	
Nevada	D <sup>3</sup>	D <sup>38</sup>	D		X	X	X
New Hampshire	R	R	R		X	X	X
New Jersey		D			X <sup>7,10,18</sup>	X <sup>18</sup>	X
New Mexico		R			X	X	
New York	R <sup>3</sup>				X	X	X
North Carolina		D	D		X		
North Dakota	D		R <sup>24</sup>		X	X	X
Ohio	R <sup>3</sup>	R	R		X	X	X
Oklahoma		R	R <sup>2</sup>		X <sup>27</sup>		X
Oregon					X		X
Pennsylvania			R <sup>2,41</sup>		X <sup>18</sup>	X <sup>18</sup>	X <sup>14</sup>
Puerto Rico <sup>5</sup>					X	X	
Rhode Island	R		D <sup>42</sup>		X	X <sup>8</sup>	
South Carolina					X <sup>14</sup>	X	
South Dakota	R	R	R		X	X	
Tennessee	D <sup>33</sup>	D	D		X <sup>34</sup>	X <sup>35</sup>	X
Texas <sup>39</sup>	D <sup>3</sup>	D	D <sup>39</sup>		X		
Utah	D <sup>3</sup>	R	R		X		
Vermont	R	R	R		X	X	X
Virginia		R	R		X	X	X
Virgin Islands	D	D	D				
Washington	D <sup>3</sup>	R	R <sup>25</sup>		X	X	X <sup>14</sup>
West Virginia	D <sup>3</sup>	D			X		
Wisconsin	R / D <sup>19</sup>	R <sup>20</sup>	D <sup>20</sup> , R <sup>20</sup>		X <sup>18</sup>	X <sup>18</sup>	X <sup>5</sup>
Wyoming		D <sup>32</sup>	D <sup>32</sup>		X <sup>27</sup>	X	

## FOOTNOTES FOR TABLE 25

1. "R" means weekly benefit is reduced by weekly prorated amount of the payment. "D" means no benefit is paid for the week of receipt.
2. State laws also identify dismissal payments as dismissal allowances, dismissal wages, separation allowances, termination allowances, severance payments.
3. **Alabama, Colorado, Connecticut, Idaho, Iowa:** temporary disability. **California, Illinois, Utah:** temporary total disability. **Georgia, Hawaii:** temporary partial or temporary total disability. **Florida, Kansas:** temporary total disability or permanent

## FOOTNOTES FOR TABLE 25

total disability. **Louisiana, Texas:** temporary partial, temporary total, permanent partial, or total and permanent disability. **Massachusetts:** total disability except payments for dismemberment. **Minnesota:** any wage compensation loss under a workers' comp. law. **Montana:** compensation for disability under workers' comp. or occupational disease law of any state, or similar U.S. laws or Social Security disability law, except permanent partial disability under certain conditions. **Missouri:** temporary partial disability. **Nebraska:** temporary disability. **Nevada:** temporary total disability, temporary partial disability, or receives money for rehabilitative services under state law. **New York:** UI benefits limited to the difference between the amount of workers' comp. benefits received, and 100% of the claimant's average weekly wage. **Ohio:** wage loss only. **West Virginia:** temporary total disability. **Washington:** no benefit is paid for any day or days in which the person received, receives or will receive worker's compensation.

4. **Arkansas:** does not include dismissal pay in excess of 8 weeks, U.S. Armed Services severance pay, 'back pay' paid to settle a claim or grievance, or unemployment benefits paid from a private plan. Lump sum payments are disqualifying only for the week in which they were paid.
5. Social Security and/or Railroad Retirement pensions are not included. States that do not reduce UI benefits (offset) if a claimant is receiving Social Security benefits are: AL, AK, AR, AZ, CA, CO, CT, DE, DC, FL, GA, HI, ID, IN, IA, KS, KY, LA, ME, MD, MA, MI, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, Puerto Rico, RI, SC, SD, TN, TX, VT, VA, WA, WV, WI, WY. States that offset UI benefits by 50% of Social Security benefits are: **Illinois, Minnesota** (unless base period wages were earned while claimant was already qualified to receive Social Security benefits), **Utah**. States that reduce UI benefits by a 100% offset of Social Security benefits are: the **Virgin Islands**. **Wisconsin:** if the former employee solely contributed to the pension, it does not impact his or her claim for UI. Yet, if the employer the claimant is receiving the pension from contributed to the pension and is in the claimant's base period for UI purposes, there would be a deduction. If, on the other hand, that employer is not in the base period, there would not be a deduction.
6. **Maryland:** Lump sum retirement payment is not deducted if made at the time of layoffs or shutdown. Lump sum payments are not deducted if rolled over into a qualified retirement plan within 30 days.
7. **Arkansas, Missouri, Nebraska, New Jersey:** except Social Security. **District of Columbia:** except social security survivors' benefits and military service disability from veteran's affairs.
8. **Michigan:** if employee contributed to pension, but less than half, 50% of pension reduces UI; if employee contributed half or more to pension, pension does not reduce UI. **Rhode Island:** if employee contributed to the pension, 50% of weekly pension amount is deducted from WBA.
9. **Massachusetts:** except for lump sum payments made in connection with a plant closing or where claimant required to sign release of claims.
10. **New Jersey:** except railroad retirement.
11. **Georgia:** disqualification is only imposed if the weekly amount of such remuneration exceeds the claimant's weekly benefit amount.
12. **Georgia:** no reduction in the weekly benefit amount is imposed if the claimant contributed 50% or more toward the pension plan.
13. **Illinois:** pension is disqualifying also if financed by the chargeable employer.
14. **Alaska, Michigan, Pennsylvania, South Carolina, Washington:** no deductions for Social Security benefits.
15. **Alabama:** Administrative Rule 480-4-3.33 (3) Wages in lieu of notice, a dismissal or separation allowance. This type of income affects eligibility only if all of the following factual circumstances exist: (a) The payment is made pursuant to a legal obligation. It must arise out of a contract or agreement that would be enforceable in an action at law. (b) The agreement that causes the payments to arise must specify the period after termination with respect to which the payments are applied. (c) The agreement that causes the payment to arise must contain specific language that would evidence some continuation of the employer-employee relationship after termination. For example, the agreement could provide that the payments would cease or be reduced if the employee is subsequently employed. If the severance payments are made without regard to the employee's status after termination, the payment does not affect eligibility.
16. **Alabama:** excludes employment services by an inmate of a penal institution, and excludes from the definition of wages, employer paid educational benefits.
17. **Colorado:** provides that individuals who receive any payment from the employer, other than wages, from the employer shall have benefits postponed. The postponement shall be applied starting with the calendar week in which the payment was received by the individual. The postponement shall be for a number of weeks equal to the total amount of the payment received, divided by the full-time weekly wage. In the calculation of weeks of postponement, any partial weeks will be disregarded. In the event that an individual receives multiple payments from the employer, the postponement associated with these payments shall be applied consecutively. If claimant receives Social Security, there is a 0 percent reduction.
18. **New Jersey:** an individual can rollover certain retirement funds without being subject to a reduction in unemployment compensation. **Pennsylvania:** lump-sum pension amounts are not deductible if the claimant was required to take the lump-sum pension payment in lieu of receiving monthly pension payments. In addition, lump-sum pension amounts are not deductible if they are rolled over into an eligible retirement account, such as an IRA, within 60 days of the

## FOOTNOTES FOR TABLE 25

- receipt of the lump-sum payment. If only a portion of the lump-sum payment is rolled over into an eligible retirement account, that portion of the pension is not deductible. **Wisconsin:** lump-sum pension amounts are not deductible if they are rolled over into an eligible retirement account such as an IRA within 60 days of receipt of the lump-sum payment.
19. **Wisconsin:** D if full week of temporary total disability (TTD), R if partial week of TTD or temporary partial disability (TPD). When reduced, disregard \$30 + WBA shall be reduced by 67% of remaining amount.
  20. **Wisconsin:** if claimant earns over \$500 in a week, disqualified from benefits. Sick pay, holiday pay, vacation pay, and back pay are also forms of disqualifying income.
  21. **Montana:** severance pay is reportable as earnings in the week in which separation occurred.
  22. **Kentucky:** pension payments are not deductible if the worker contributed to the pension. If worker did not contribute then the pension is 100% deductible.
  23. **Minnesota:** dismissal payments include severance pay, bonus pay, vacation pay, sick pay, and any money payments except earnings. Vacation pay paid at permanent separation is not deductible income.
  24. **North Dakota:** severance payments are not deducted if based on prior services.
  25. **Washington:** not all dismissal payments or severance are deducted, only negotiated settlements or proceeds from the early termination of a written employment contract are deductible and assigned at the same intervals as allocated under the contract.
  26. **California:** reduces benefits upon receipt of wages in lieu of notice unless those wages are paid pursuant to the Worker Adjustment and Retraining Notification (WARN) Act.
  27. **Kansas, Oklahoma, Wyoming:** excludes social security.
  28. **Kansas:** severance pay is reportable as earnings.
  29. **Arizona:** Benefits are not payable for weeks covered by wages in lieu of notice, dismissal payments, vacation, holiday, or sick pay. If such pay is less than the WBA for any week, it is reported as earnings and benefits are reduced accordingly.
  30. **Idaho:** no deduction if the employee made any contribution to retirement pension, or for Social Security benefits.
  31. **Missouri:** deduct only the percentage employer contributed
  32. **Wyoming:** amount of payment is deducted from the WBA in the week of receipt.
  33. **Tennessee:** any week that a claimant receives Temporary Partial Workers' Compensation, the claimant is disqualified from unemployment compensation for that particular week. Any other type of Workers' Compensation does not disqualify a claimant.
  34. **Tennessee:** a claimant is disqualified from unemployment benefits if the weekly amount of pension is equal to or greater than the claimant's weekly benefit amount. If the unemployment weekly benefit amount is greater than the weekly pension, the claimant's weekly pension is deducted from his weekly unemployment benefit amount.
  35. **Tennessee:** if the claimant contributed any amount at all to his pension fund during the base period, the pension is not disqualifying to the claimant.
  36. **Alaska:** includes severance pay, vacation pay, bonus pay, sick pay and some types of holiday pay.
  37. **Missouri:** payments made under the WARN Act are deductible. Any other wages in lieu of notice are not deductible.
  38. **Nevada:** benefits are not payable for weeks covered by wages in lieu of notice, severance pay or vacation pay. Vacation pay must be paid within the next two pay periods following the claimant's separation date. Holiday pay is deductible the week in which it is paid.
  39. **Texas:** Texas had a change to the law for "severance pay" described as follows: (a) an individual is disqualified for benefits for a benefit period for which the individual is receiving or has received remuneration in the form of: (1) wages in lieu of notice; or (2) severance pay; or (3) compensation under a state workers' compensation law or similar law of the United States for: (A) temporary partial disability; or (B) temporary total disability; or (C) total and permanent disability. (b) In this section, "severance pay" means dismissal or separation income paid on termination of employment in addition to the employee's usual earnings from the employer at the time of termination. The term does not include any remuneration received by an employee under (1) a release of claims or settlement agreement entered into between the employee and the employer: (A) based on an alleged violation of the Civil Rights Act of 1991 (Pub.L.No. 102- 166); or (B) pursuant to a claim or cause of action filed in connection with the employment relationship; or (2) a written contract, including a collective bargaining agreement, negotiated with the employer before the date of separation from employment of the employee. Column (4): severance pay is not disqualifying if the remuneration was received by an employee under a release of claims or settlement agreement entered into between the employee and the employer based on an alleged violation of the Civil Rights Act of 1991 or pursuant to a claim or cause of action filed in connection with the employment relationship. Severance pay is also not disqualifying if based on a written contract, including a collective bargaining agreement, negotiated with the employer before the date of separation from employment.
  40. **Maine:** Beginning August 30, 2012, a reduction for benefits is made for any vacation pay in an amount exceeding the equivalent of 4 weeks of wages.
  41. **Pennsylvania:** forty percent of the commonwealth's three year average annual wage is considered disqualifying.
  42. **Rhode Island:** unemployment benefits delayed by the number of weeks of severance pay received, up to a maximum delay of 26 weeks.

# DISQUALIFICATION FOR VOLUNTARILY LEAVING WORK

Unemployment compensation is intended only for workers who are out of work through no fault of their own. Every state disqualifies individuals who bring about or perpetuate their own unemployment, either because they quit their job without good cause, committed misconduct in connection with their work, or refused a suitable job. In most states, the disqualification for voluntarily quitting without good cause runs for the duration of the claimant's unemployment and until the individual reaches a specified minimum length of employment and/or wages in another job. If laid off from this subsequent job for nondisqualifying reasons, the individual may be eligible for benefits. In a few states, the disqualification provided is for a fixed number of weeks or a variable number, depending on the circumstances of the case. Some states reduce the claimant's potential eligibility by the number of weeks of disqualification.

As Table 26 shows, most states restrict "good cause" only to causes connected with the work of the employer. Good personal cause is not ordinarily considered enough justification for leaving a job to avoid a disqualification. Many states, however, provide exceptions to their restricted "good cause" provisions, and in response to the ARRA of 2009, a number of states expanded the circumstances under which an individual may leave employment for specific compelling family reasons without being disqualified from benefits, even though the reason for leaving was not specifically connected to work. It should be noted that a claimant who is not disqualified for voluntarily quitting is not necessarily eligible for benefits. If a claimant left because of illness, for example, he/she may not be able to work or be available for work. In most states, ineligibility for benefits would extend until the individual was able and available for work.

**TABLE 26 - DISQUALIFICATION FOR VOLUNTARILY LEAVING WORK WITHOUT GOOD CAUSE**

State (1)	Benefits Postponed (2)	Benefits Reduced <sup>1</sup> (3)	Duration of Unemployment, Plus <sup>1</sup> (4)	Good Cause Includes:				
				Only Work Connected Cause (5)	Claim- ant's Illness (6)	Leaving to Accept Other Job (7)	Compulso- ry Retire- ment (8)	Other (9)
Alabama <sup>2</sup>		6-12 x WBA	10 x WBA <sup>13</sup>	X <sup>4</sup>	X	X	X	
Alaska <sup>4,17,18</sup>	W + 6 or 8 x WBA <sup>12</sup>	3 x WBA			X <sup>6</sup>	X		X <sup>18</sup>
Arizona			5 x WBA	X	X <sup>4</sup>	X	X	X <sup>4</sup>
Arkansas			30 days insured work	X				X <sup>17</sup>
California			5 x WBA	X <sup>4</sup>	X	X	X	X <sup>17,18</sup>
Colorado	WF + 10 <sup>7</sup>	Employer potential charges		X <sup>4</sup>	X <sup>6</sup>	X <sup>10</sup>	X	X <sup>17,18</sup>
Connecticut			10 x WBA	X <sup>4</sup>	X <sup>6</sup>	X <sup>10</sup>	X	X <sup>17,18</sup>
Delaware			4 weeks work and 4 x WBA	X	X			X <sup>17</sup>
D.C. <sup>2</sup>			10 weeks work and 10 x WBA <sup>25</sup>	X				X <sup>17,18</sup>
Florida <sup>2</sup>			17 x WBA	X <sup>4</sup>	X	X <sup>5</sup>		X <sup>17</sup>
Georgia			10 x WBA	X		X <sup>17</sup>		X <sup>17</sup>
Hawaii			5 x WBA		X	X	X	X <sup>17,18</sup>
Idaho <sup>2</sup>			14 x WBA	X	X	X <sup>24</sup>		X <sup>18</sup>
Illinois <sup>2</sup>			WBA in each of 4 weeks	X <sup>4</sup>	X <sup>6</sup>	X <sup>10</sup>		X <sup>17,18</sup>



**TABLE 26 - DISQUALIFICATION FOR VOLUNTARILY LEAVING WORK  
WITHOUT GOOD CAUSE**

State (1)	Benefits Postponed (2)	Benefits Reduced <sup>1</sup> (3)	Duration of Unemployment, Plus <sup>1</sup> (4)	Good Cause Includes:				
				Only Work Connected Cause (5)	Claim- ant's Illness (6)	Leaving to Accept Other Job (7)	Compulso- ry Retire- ment (8)	Other (9)
Indiana		By 25% <sup>21</sup>	WBA in each of 8 weeks <sup>21</sup>	X	X <sup>6</sup>	X	X	X <sup>17,18</sup>
Iowa <sup>2</sup>			10 x WBA	X <sup>4</sup>	X	X		
Kansas			3 x WBA	X	X	X		X <sup>17,18</sup>
Kentucky			10 x WBA earned in at least 10 weeks <sup>26</sup>	X		X	X	X
Louisiana <sup>2</sup>			10 x WBA	X			X <sup>20</sup>	
Maine <sup>2</sup>			4 x WBA <sup>1</sup>	X	X <sup>6</sup>	X		X <sup>17,18</sup>
Maryland <sup>2</sup>	W + 4-9 <sup>9</sup>		15 x WBA	X <sup>4</sup>				X <sup>4</sup>
Massachusetts <sup>2</sup>			WBA in each of 8 weeks		X	X	X	X <sup>18</sup>
Michigan <sup>3</sup>			12 x WBA	X <sup>4</sup>	X <sup>6</sup>	X		
Minnesota			\$1,300	X <sup>4,19</sup>	X	X		X <sup>18</sup>
Mississippi			8 x WBA		X	X	X	X <sup>17,18</sup>
Missouri <sup>2</sup>			10 x WBA	X <sup>4</sup>	X <sup>8,27</sup>	X <sup>5</sup>		X <sup>17,27</sup>
Montana			6 x WBA	X <sup>4</sup>	X <sup>6</sup>		X	X <sup>17,18,22</sup>
Nebraska <sup>3</sup>	W + 13 <sup>11</sup>	Equal		X	X	X <sup>18</sup>		X <sup>18</sup>
Nevada			WBA earned in each of 10 weeks		X <sup>17</sup>	X		X <sup>4,17,18</sup>
New Hampshire			20% more than WBA in each of 5 weeks	X <sup>4</sup>	X <sup>6</sup>	X <sup>14</sup>		X <sup>17,18</sup>
New Jersey			4 wks. work and 6 x WBA (before 7/1/10); 8 wks. work and 10 x WBA (after 7/1/10)	X <sup>4</sup>	X <sup>6</sup>		X	X <sup>17,18</sup>
New Mexico			5 x WBA	X				X <sup>18</sup>
New York			5 x WBA					X <sup>18</sup>
North Carolina <sup>2</sup>			10 x WBA earned in at least 5 weeks	X <sup>4</sup>				X <sup>18</sup>
North Dakota <sup>3</sup>			8 x WBA	X <sup>4,19</sup>	X <sup>4,6</sup>	X <sup>10</sup>		
Ohio <sup>2</sup>			6 weeks work and 6 x 27.5% of SAWW		X <sup>6</sup>	X <sup>10</sup>		
Oklahoma			10 x WBA		X <sup>6</sup>		X	X <sup>17,18,28,29</sup>
Oregon		8 x WBA	4 x WBA <sup>1</sup>		X	X		X <sup>17,18</sup>
Pennsylvania			6 x WBA	X <sup>4</sup>	X	X		
Puerto Rico			10 x WBA earned in at least 4 weeks		X			
Rhode Island <sup>3</sup>			8 x WBA		X <sup>6</sup>	X	X	X <sup>18</sup>
South Carolina			8 x WBA	X	X			X <sup>17,23</sup>
South Dakota <sup>2</sup>			WBA in each of 6 weeks	X <sup>4</sup>	X <sup>6</sup>	X <sup>5</sup>		X <sup>17,18</sup>
Tennessee <sup>3</sup>			10 x WBA	X		X <sup>30</sup>		
Texas			6 x WBA or 6 weeks work	X <sup>4</sup>	X <sup>6</sup>	X <sup>15</sup>		X <sup>18</sup>
Utah			6 x WBA		X	X	X	X <sup>18</sup>

**TABLE 26 - DISQUALIFICATION FOR VOLUNTARILY LEAVING WORK  
WITHOUT GOOD CAUSE**

State (1)	Benefits Postponed (2)	Benefits Reduced <sup>1</sup> (3)	Duration of Unemployment, Plus <sup>1</sup> (4)	Good Cause Includes:				
				Only Work Connected Cause (5)	Claim- ant's Illness (6)	Leaving to Accept Other Job (7)	Compulso- ry Retire- ment (8)	Other (9)
Vermont			6 x WBA					X <sup>4</sup>
Virginia <sup>2</sup>			30 days or 240 hours of work	X <sup>4</sup>	X	X <sup>10</sup>		
Virgin Islands			4 x WBA earned in at least 4 weeks					
Washington			7 weeks elapsed and 7 x WBA <sup>1</sup>	X <sup>4</sup>	X	X		X <sup>17,18</sup>
West Virginia			30 days work	X	X <sup>6</sup>	X <sup>5</sup>		X <sup>31</sup>
Wisconsin			6 x WBA	X <sup>4</sup>	X <sup>6</sup>	X <sup>16</sup>		X <sup>18</sup>
Wyoming <sup>2</sup>			8 x WBA	X	X			X <sup>4,18</sup>

### FOOTNOTES FOR TABLE 26

1. "W" means week of occurrence; "WF" = week of filing. "Equal" indicates reduction equal to WBA multiplied by number of weeks of disqualification. "WBA in each of 4 weeks" means the individual must work for a minimum of 4 weeks and earn at least an amount equal to his/her weekly benefit amount in each week. **Maine:** 6 x WBA following retirement. **Oregon, Washington:** claimant's earnings must be in covered employment.
2. Disqualification applicable to last separation, except in the following states when it may apply to preceding separation. **Alabama:** if last separation was not considered bona fide work. **District of Columbia:** employer for whom the individual last performed 30 work days in covered employment. **Florida, Idaho, Illinois, Iowa, Maryland, Massachusetts, Ohio:** when employment or time period subsequent to last separation does not satisfy a potential disqualification. **Louisiana:** disqualification applies to base period, or last employer, until claimant earns 10xWBA in wages after disqualifying separation and must be separated from the subsequent employment under non-disqualifying conditions. **Maine:** if last work was not in usual trade or was intermittent. **Missouri:** preceding separations handled only if base period employer provides a timely protest to base period notice and subsequent employment does not satisfy potential disqualification. **North Carolina, South Dakota:** if employment was less than 30 days. **Virginia:** if employment was less than 30 days or 240 hours. **Wyoming:** not bona fide if less than 3 weeks and earnings less than 2X WBA.
3. Disqualification, **Michigan:** any chargeable employer; **Nebraska:** separation from any base-period and lag period employers. **North Dakota:** 8 x WBA; **Rhode Island:** Effective July , 2014, 8 x WBA. **Tennessee:** 10 x WBA.
4. Good cause must be related to work or attributable to the employer and in, **Alabama:** if the individual left work to accompany a spouse who is required to relocate while on active duty with the U.S. armed forces, no disqualification is assessed. **Alaska:** if qualified to participate in a training program under WIA and training makes them unavailable for work. **Arizona:** for compelling personal reasons. **California:** if individual has an irresistible compulsion to use intoxicants; or if individual elected to be laid off in place of an employee with less seniority. **Colorado:** for compelling personal reasons; or addiction to drugs or alcohol if treatment is sought. **Connecticut:** individual who voluntarily quits must establish good cause attributable to employer; or if individual quit to care for the individual's spouse, child or parent, with an illness or disability; or if the individual left work solely by reason of government regulation or statute; or if the individual left work due to loss of transportation other than his personally-owned vehicle provided there is no other reasonable alternative to leaving; or if the individual left work to accompany a spouse who is required to relocate while on active duty with the U.S. armed forces; or if the individual left work to accompany such individual's spouse to a place from which it is impractical to commute due to a change in location of the spouse's employment; or if the individual left work to protect the individual left work to protect the individual, the individual's child, the individual's spouse or the individual's parent from becoming or remaining a victim of domestic violence, provided such individual has made reasonable efforts to preserve the employment; or if the individual left part-time work with an employer to accept other full-time work; or if the individual, while on layoff from his regular work, accepted employment with an employer which he left after recall by his former employer. **Florida:** a temporary or leased employee is subject to disqualification if, upon conclusion of his or her latest assignment, the employee without good cause, failed to contact the employer for reassignment, if the employer advised the temporary or leased employee at the time of hire that he or she must report for reassignment upon the conclusion of each assignment. The disqualification would ensue from the week in which separation occurred and continue until the claimant earned 17 x WBA. A claimant

## FOOTNOTES FOR TABLE 26

is also disqualified for any week he or she is on a leave of absence if the individual voluntarily initiated the leave. This disqualification is merely a suspension in benefit payments and carries no requirement for subsequent earnings.

**Illinois:** if individual elected to be laid off in place of an employee with less seniority. **Iowa:** claimant who voluntarily quits must establish good cause attributable to employer; or if individual left work because successor employer did not offer suitable work. **Maryland:** when laid off for lack of work, or after obtaining subsequent employment that pays less than prior employment and then quits subsequent employment to attend approved training; or if voluntarily quit part-time employment before the loss of full-time employment; or, for claims effective on or after October 1, 2012, if it is determined that the claimant left employment for good cause directly attributable to the claimant or the claimant's spouse, minor child, or parent being a victim of domestic violence as defined in the law. **Michigan:** no disqualification if claim in existence when work was accepted, work was unsuitable at the time of acceptance, and claimant left within 60 days. Also no disqualification if leaving is due to following relocated military spouse. A claimant who loses a job after 3 days no-call/no-show, or after negligently losing a prerequisite of the job, will be disqualified for voluntarily leaving. **Minnesota:** if quit unsuitable employment within 30 calendar days; or if quit unsuitable employment to enter approved training; or if quit part-time employment, providing the claimant has sufficient full-time BP employment to establish a valid claim and left full-time employment for non-disqualifying reasons. **Missouri:** if work was unsuitable and claimant left within 28 calendar days. **Montana:** if left to attend school and attended for three consecutive months; or if leaving unsuitable work to enter approved training; or if left temporary work (having accepted such because of lack of work with regular employer) to return to work for regular employer; or if unemployed because of nondisqualifying reasons; or left unsuitable work for any reason provided the individual was employed in such work for at least six weeks from the beginning of BP through the date of leaving. **Nevada:** leaving unsuitable work to enter training approved under Trade Act. **New Hampshire:** if work was unsuitable and claimant left within 12 weeks. **New Jersey:** No disqualification assessed if an individual participates in an employer's program for voluntary separations to mitigate the impact of a reduction in force. **North Carolina:** if left because of lack of work due to employer bankruptcy; or left work due solely to an unilateral and permanent reduction in full time work hours of more than 50% or 15% pay. **North Dakota:** the claimant leaves within 10 weeks if the claimant could have initially refused this work for good cause. **South Dakota:** if individual's leaving is mandated by religious beliefs and employer has not offered reasonable accommodation. **Pennsylvania:** if left due to compelling and necessitous nature (either work or non-work related) as to make separation involuntary; and **Texas:** if left unsuitable work to enter training approved under Trade Act; or if claimant leaves work rather than provide services within the course and scope of his/her employment to an individual infected with a communicable disease because employer did not offer facilities, equipment, training, and supplies necessary to permit reasonable precautions to preclude contact with the communicable disease. **Vermont:** if the individual left work to accompany a spouse who is required to relocate while on active duty with the U.S. Armed Forces, no disqualification is assessed. **Virginia:** if left due to such urgent, compelling and necessitous nature as to make the separation involuntary. **Wisconsin:** if quit after being hired for one shift and then assigned to another that precludes child care; or if quit because employee would have had to violate a state or federal law; or if quit job held concurrent with active military duty because honorably discharged from military service; or, if quit in lieu of layoff of another employee; or, if quit due to concerns about domestic abuse; or, if quit new work and the hours, wages and other conditions are substantially less favorable. **Washington:** other work-connected conditions include work that changed after hiring that created: 25% reduction in pay or hours, worksite out of area, unresolved safety issues or illegal activities, or violations of religious convictions or moral beliefs. **Wyoming:** quit to return to approved training.

5. If under certain conditions, individual quits other work to return to regular employment, and **Missouri:** or quit such work to earn wages at a more remunerative job.
6. **Alaska:** good cause also includes leaving work to care for an immediate family member who has a disability or illness. **Colorado:** after providing employer with a written medical statement addressing matters related to health, if individual left due to health related reasons. (Note that benefits are not payable to persons on authorized, approved or voluntary leaves of absence.) **Connecticut:** no disqualification for voluntary leaving is imposed if the individual leaves work due to a health condition that renders the job unsuitable so long as the claimant has advised the employer of his condition and no other suitable work was available which the individual could have performed within the limits of his health restrictions. **Illinois:** because he is deemed physically unable to perform his work by a licensed doctor or because he must care for his spouse, child or parent and the employer is unable to accommodate his need to provide such care. **Indiana:** if unemployment is the result of medically substantiated physical disability. A claimant who is involuntarily unemployed after having made reasonable efforts to maintain the employment relationship shall not be subject to disqualification under this section for such separation. **Maine:** leaving was caused by the illness or disability of the claimant or an immediate family member and the claimant took all reasonable precautions to protect the claimant's employment status by promptly notifying the employer of the need for time off, a change or reduction in hours or a shift change and being advised by the employer that the time off or change or reduction in hours or shift or shift change cannot or will not be accommodated. **Michigan:** if leaving is for medically substantiated illness or injury, claimant will not be disqualified for voluntarily leaving if the claimant first attempted unsuccessfully both to secure alternative work from the employer within medical capabilities, and to secure a leave of absence. **Montana:** if left

## FOOTNOTES FOR TABLE 26

due to personal illness or injury after release by physician and suitable work not available with previous employer. **New Hampshire:** left work due to work-related illness, or injury which was not the claimant's fault, maintained the employee-employer relationship, released to work but employer unable to return individual to same or similar work due to reduction in force, economic conditions, or application of seniority rules. **New Jersey:** no disqualification for voluntary leaving is imposed if the individual leaves work due to a medical condition that was caused or aggravated by the work provided there was no other suitable work available which the individual could have performed within the limits of the disability. **North Dakota:** when a doctor orders or notices that injury or illness is caused or aggravated by the employment, and there was no reasonable alternative to leaving work. **Ohio:** if licensed doctor certifies that continued employment presents a health hazard. **Oklahoma:** allows for medically verifiable illness of the claimant and immediate family member of the claimant. **Rhode Island:** good cause also includes leaving work to care for an immediate family member who has a disability or illness. **South Dakota:** if licensed doctor certifies that continued employment presents a health hazard. **Texas:** if left for medically verified illness, injury, disability, while still available for work. **West Virginia:** if licensed doctor certifies that continued employment presents a health hazard. **Wisconsin:** if left work due to claimant's illness or the verified disability or illness of an immediate family member that necessitated care for a period of time longer than the employer was willing to grant a leave of absence.

7. **Colorado:** benefits are postponed when the disqualifying separation is from the last employer, only. No reduction occurs when the last employer is not a base period employer.
8. **Missouri:** a worker returning to her employer of at least 1 year duration and offering her services within 90 days after termination of pregnancy will be eligible for benefits if no work is available.
9. **Maryland:** valid circumstances include cause of a necessitous and compelling nature, health of claimant or other person claimant cares for if proof is furnished, or a substantial cause which is indirectly attributable to the employer or employment. Valid circumstances also include voluntarily leaving employment to follow a spouse if the spouse (1) serves in the United States military, is a civilian employee of the military, or of a federal agency involved in military operations; and (2) the spouse's employer requires a mandatory transfer to a new location.
10. Leaving to accept other work applies under specific conditions. **Connecticut:** while on layoff from regular work the individual accepted employment with an employer which he left after recall by his former employer; the individual left work with an employer which was outside his regular apprenticeable trade to return to work in his regular apprenticeable trade; or the individual left part-time work with an employer to accept other full-time work.
11. **Nebraska:** two week disqualification assessed if individual left work for new job under certain conditions.
12. **Alaska:** the benefit postponement may be terminated if the claimant earns 8 x WBA during the disqualification period. The 3 x WBA is not restored.
13. **Alabama:** in addition to earning 10 x WBA, claimant must be separated for non-disqualifying reason.
14. **New Hampshire:** leaving to accept better which is to begin within a reasonable period.
15. **Texas:** if partially employed, to accept other work to increase earnings.
16. **Wisconsin:** if quit to take covered employment if the work was equivalent or better than current employment.
17. Good causes not work related that a claimant voluntarily leaves work includes: **Alaska:** to move with a military spouse to another duty station if move was timely. **Arkansas:** compelling personal emergency; illness, injury, pregnancy, or disability of the claimant or a member of the claimant's immediate family; domestic violence that causes the claimant reasonably to believe that the claimant's continued employment will jeopardize the safety of the claimant or a member of the claimant's immediate family; to accompany the claimant's spouse because of a change in the location of the spouse's employment that makes it impractical to commute. **California:** if claimant left work to accompany his/her spouse or registered domestic partner to a new location. **Colorado:** leaving to: care for an ill or disabled family member; relocated with spouse who found new employment outside of a reasonable commuting distance; or transfer of military spouse or relocate because military spouse was killed in combat. Leaving for health-related reasons after providing employer (when requested) with a written medical statement addressing matters related to health. (Note that benefits are not payable to persons on authorized, approved or voluntary leaves of absence.) **Connecticut:** to accompany a spouse to a place from which it is impractical for the individual to commute due to a change in the location of the spouse's employment; to accompany a spouse who is on active duty with the armed forces of the United States and is required to relocate by the armed forces. **Delaware:** quits work in order to accompany their spouse to a place from which it is impractical for the individual to commute and due to a change in location of their spouse's employment, quits work to care for their spouse, child under the age of 18, or parent with a verified illness or disability. **District of Columbia:** to accompany spouse or domestic partner to a place from which is impractical to commute; to care for an ill or disabled family member; or is enrolled and making satisfactory progress in approved training. **Florida:** if claimant quit to relocate as a result of his or her military connected spouse's permanent change of station orders, activation orders, or unit deployment orders. **Georgia:** trailing military spouse may quit without disqualification to relocate upon transfer of military member spouse to new duty station; voluntary quit to take a better job not disqualifying under certain circumstances. **Hawaii:** when there is a change in the individual's marital or domestic status, separations due to compelling family reasons including illness or disability of a member of the individual's immediate family and to accompany the individual's spouse, because of a change in the location of the spouse's employment to a place from

## FOOTNOTES FOR TABLE 26

which it is impractical for the individual to commute to work. **Illinois:** when the worker leaves to accompany his or her spouse on a military reassignment, or because of a change in employment location of his or her spouse to a place where it is impractical to commute. **Indiana:** but for the voluntary separation to move to another labor market to join a spouse who had moved to that labor market, shall not be disqualified for that voluntary separation, if the individual is otherwise eligible for benefits. Benefits paid to the spouse whose eligibility is established under this subdivision shall not be charged against the employer from whom the spouse voluntarily separated. **Kansas:** when the spouse of an individual who is a member of the armed forces of the United States who left work because of the voluntary or involuntary transfer of the individual's spouse from one job to another job, which is for the same employer or for a different employer, at a geographic location which makes it unreasonable for the individual to continue work at the individual's job. **Maine:** leaving was necessary to accompany, follow or join the claimant's spouse in a new place or residence and the claimant is in all respects able, available and actively seeking suitable work. **Missouri:** due to the spouse's mandatory and permanent military change of station order, the claimant quit work to relocate with the spouse to a new residence from which it is impractical to commute to the place of employment and the claimant remained employed as long as was reasonable prior to the move. **Mississippi, Montana, Nevada:** includes leaving an employer to accompany a spouse who is an active member of the armed forces and received a military transfer. **Nevada:** also allows quits to accompany a spouse that has accepted another position and quit due to the individual's illness or disability or a member of the individual's immediate family. **New Hampshire:** leave is due to pregnancy or to an illness or injury that is not work-related with written notice from a physician attesting the employee cannot perform work duties, (2) necessary to accompany his or her spouse to a place where it is impractical to commute, or (3) leave is due to illness or disability of an immediate family member as defined by the U.S. Department of Labor. **New Jersey:** includes a spouse of an active member of the armed forces who is forced to quit his or her job due to relocation of the military member outside of the State. **Oklahoma:** quitting to accompany spouse to a new location. **Oregon:** compelling family reason. **South Carolina:** compelling family reason and move with spouse if commuting distance would be greater than 50 miles. **South Dakota:** if person quit to accompany their spouse who has been reassigned from one military base to another. **Washington:** quit to follow spouse or domestic partner due to their employment outside local labor market; quit to enter approved apprenticeship program; quit from a part-time job when worker simultaneously held full-time and part-time jobs, quit the part-time, then lost the full-time job through no fault.

18. Voluntarily leaving work because of sexual harassment or domestic violence (as noted) is good cause in the following states: **Alaska:** sexual harassment and to protect claimants children's or self from domestic violence abuse. **Arkansas:** due to domestic violence that causes the claimant reasonably to believe that the individual's continued employment will jeopardize the safety of the claimant or a member of the claimant's immediate family. **California:** sexual harassment, and to protect claimant's family or self from domestic violence abuse. **Colorado:** sexual harassment, and when certain specified conditions of domestic violence are met. **Connecticut:** to protect the individual, the individual's child, the individual's spouse or the individual's parent from becoming or remaining a victim of domestic violence, provided such individual has made reasonable efforts to preserve the employment. **Delaware, District of Columbia, Mississippi, Nevada, New Mexico, New York, Oklahoma, Oregon:** domestic violence. **Hawaii:** domestic or sexual violence. **Idaho:** sexual harassment. **Illinois:** sexual harassment, or if the claimant quit because of documented domestic violence and made all reasonable efforts to preserve employment. **Indiana:** an individual shall not be subject to disqualification if the individual voluntarily left employment or was discharged due to circumstances directly caused by domestic or family violence (as defined in IC 31-9-2-42). **Kansas, Maine, Massachusetts:** sexual harassment or domestic violence. **Minnesota:** sexual harassment, domestic abuse, or stalking, or when a claimant quits because they or their minor child is a victim of documented abuse, when there is evidence of domestic abuse of the claimant and his/her minor child that required quitting, or child care problem. **Montana, Nebraska:** sexual, race or age harassment domestic violence, directed to perform illegal acts, unsafe working conditions, previously secured construction work, voluntary layoff to avoid bumping, required relocation not in commuting distance. **New Hampshire:** if claimant quit or was discharged because of domestic abuse and made all reasonable efforts to preserve employment. **New Jersey:** if left work voluntarily or was discharged due to a documented case of domestic violence. **North Carolina:** if claimant quit or was discharged due to domestic violence. **North Dakota:** if the reason for separation from employment is directly attributable to domestic violence or sexual assault that is verifiable by documentation which substantiates that continued employment would jeopardize the safety of the individual or of the individual's spouse, parent, or minor child. **Rhode Island:** sexual harassment or domestic violence. **South Dakota:** domestic abuse if the situation was reported to law enforcement and cooperatives with law enforcement; leaves employment and remains separate from the situation, and made reasonable efforts to preserve their employment prior to quitting. **Texas:** domestic violence and stalking, or to care for an ill minor child or a terminally ill spouse if no reasonable, alternative care is available. **Utah:** sexual harassment. **Washington:** only if the separation was necessary to protect the claimant or immediate family from domestic violence or stalking. **Wisconsin:** if quit because of domestic abuse or concerns about personal safety; or if quit to follow a military spouse to a new job and the new job is located where it is impractical to commute. **Wyoming:** If forced to leave the most recent work as a result of being a victim of documented domestic violence.
19. **North Dakota:** if an employee of a temporary help agency completes an assignment and fails to contact the agency

## FOOTNOTES FOR TABLE 26

for reassignment prior to filing for unemployment benefits, it will be considered a voluntary quit, and **Minnesota:** claimant must contact temporary staffing agency within 5 days after completion of assignment or it is a quit, unless assignment was unsuitable work.

20. **Louisiana:** good cause under compulsory retirement or leaving depends on facts of claim.
21. **Indiana:** Column (3) - When it has been determined that an individual has been separated from employment under disqualifying conditions as outlined in this section, the maximum benefit amount of the individual's current claim, as initially determined, shall be reduced by an amount determined as follows: 1) For the first separation from employment under disqualifying conditions, the maximum benefit amount of the individual's current claim is equal to the result of: (A) the maximum benefit amount of the individual's current claim, as initially determined; multiplied by (B) seventy-five percent (75%); rounded (if not already a multiple of one dollar (\$1)) to the next higher dollar. 2) For the second separation from employment under disqualifying conditions, the maximum benefit amount of the individual's current claim is equal to the result of: (A) the maximum benefit amount of the individual's current claim determined under subdivision (1); multiplied by (B) eighty-five percent (85%); rounded (if not already a multiple of one dollar (\$1)) to the next higher dollar. 3) For the third and any subsequent separation from employment under disqualifying conditions, the maximum benefit amount of the individual's current claim is equal to the result of: (A) the maximum benefit amount of the individual's current claim determined under subdivision (2); multiplied by (B) ninety percent (90%); rounded (if not already a multiple of one dollar (\$1)) to the next higher dollar; Column (4) - Regarding an individual's most recent separation from employment before filing an initial or additional claim for benefits, an individual who voluntarily left the employment without good cause in connection with the work or was discharged from the employment for just cause is ineligible for waiting period or benefit rights for the week in which the disqualifying separation occurred and until: 1) the individual has earned remuneration in employment in at least eight (8) weeks; and 2) the remuneration earned equals or exceeds the product of the weekly benefit amount multiplied by eight (8). If the qualification amount has not been earned at the expiration of an individual's benefit period, the unearned amount shall be carried forward to an extended benefit period or to the benefit period of a subsequent claim.
22. **Montana:** includes leaving for active military duty for less than 6 weeks, and when checking back with employer, no work is available.
23. **South Carolina:** if left work voluntarily or was discharged due to a documented case of domestic violence, or if left work voluntarily to relocate with a military spouse who has been permanently reassigned from one military assignment to another.
24. **Idaho:** if quit a temporary job for a permanent job or quit part time employment for employment with an increase in the number of hours of work.
25. **District of Columbia:** weeks of work must be in covered employment.
26. **Kentucky:** does not have to be 10 consecutive weeks.
27. **Missouri:** if left due to compelling and necessitous medical reason or domestic abuse that makes separation involuntary.
28. **Oklahoma:** when adjudicating a voluntary quit from employment during a continued claim series, disqualification shall be for the week of the occurrence only.
29. **Oklahoma:** if the claimant, pursuant to an option provided under a collective bargaining agreement or written employer plan which permits waiver of his or her right to retain the employment when there is a layoff, has elected to be separated and the employer has consented thereto.
30. **Tennessee:** voluntarily quitting to accompany a military spouse to another duty station within the U.S. is considered a good cause to quit, however, contributory employers are not charged for the benefits paid. The money is paid out of the state's general fund.
31. **West Virginia:** provides that an individual who has voluntarily quit employment to accompany a spouse serving in active military service who has been reassigned from one military assignment to another is not disqualified for benefits: and the account of the employer may not be charged for those benefits.

# DISQUALIFICATION FOR MISCONDUCT

Detailed interpretations of what constitutes misconduct have been developed in each state's benefit decisions. In most states, misconduct must be willful or deliberate and committed in connection with the work in order to be disqualifying. Most cases involve violation of company rules, insubordination, refusal to perform assigned work, or absence from work.

As Table 27 shows, several states provide more stringent disqualifications for gross misconduct which translates into criminal or dishonest acts, "flagrant, willful and unlawful misconduct," "forgery, larceny, embezzlement," or "arson, intoxication, sabotage, or dishonesty."

**TABLE 27 - DISQUALIFICATION FOR MISCONDUCT CONNECTED WITH WORK AND GROSS MISCONDUCT**

State (1)	Misconduct <sup>4</sup>			Gross Misconduct		
	Benefits Postponed <sup>1</sup> (2)	Benefits Reduced <sup>1</sup> (3)	Duration of Unemployment, Plus <sup>1</sup> (4)	Benefits Postponed <sup>1</sup> (5)	Benefits Reduced <sup>1</sup> (6)	Duration of Unemployment, Plus <sup>1</sup> (7)
Alabama <sup>2,4,15,17</sup>	W + 3-7	6-12 x WBA <sup>15</sup>	10 x WBA <sup>15</sup>		Wage credits from involved employer cancelled <sup>17</sup>	10 x WBA
Alaska <sup>4</sup>	W + 6 or 8 x WBA <sup>13</sup>	3 x WBA				X <sup>11</sup>
Arizona <sup>4</sup>			5 x WBA			
Arkansas			30 days of covered employment			Wages in 2 quarters for covered work totalling not less than 35 x WBA <sup>24</sup>
California			5 x WBA			
Colorado <sup>4</sup>	WF + 10 <sup>7</sup>	Employer potential charges		26 weeks	All wage credits canceled	
Connecticut <sup>4</sup>			10 x WBA			
Delaware			4 weeks work and 4 x WBA			
D.C. <sup>2</sup>	W + 7	8 x WBA				10 wks. work + 10 x WBA <sup>23</sup>
Florida <sup>2,4</sup>	W + 1-52		17 x WBA	Up to 52 wks.		17 x WBA
Georgia <sup>4</sup>			10 x WBA			X <sup>6</sup>
Hawaii			5 x WBA			
Idaho <sup>2</sup>			14 x WBA			
Illinois <sup>2,4</sup>			WBA in each of 4 weeks <sup>8</sup>		All wage credits cancelled <sup>8</sup>	
Indiana		By 25% <sup>21</sup>	WBA in each of 8 weeks <sup>21</sup>		All wage credits canceled	
Iowa <sup>2,4</sup>			10 x WBA		All wage credits canceled	
Kansas <sup>4</sup>			3 x WBA		All wage credits canceled	8 x WBA



**TABLE 27 - DISQUALIFICATION FOR MISCONDUCT CONNECTED  
WITH WORK AND GROSS MISCONDUCT**

State (1)	Misconduct <sup>4</sup>			Gross Misconduct		
	Benefits Postponed <sup>1</sup> (2)	Benefits Reduced <sup>1</sup> (3)	Duration of Unemployment, Plus <sup>1</sup> (4)	Benefits Postponed <sup>1</sup> (5)	Benefits Reduced <sup>1</sup> (6)	Duration of Unemployment, Plus <sup>1</sup> (7)
Kentucky <sup>3,4</sup>			10 x WBA earned in at least 10 weeks			X
Louisiana <sup>2,4</sup>			10 x WBA		Wage credits from involved employer canceled	10 x WBA <sup>20</sup>
Maine			8 x WBA			8 x WBA
Maryland <sup>2,4</sup>	W + 9-14					25 x WBA <sup>16</sup>
Massachusetts <sup>2,4</sup>			WBA in each of 8 weeks			X <sup>4</sup>
Michigan <sup>3,4</sup>	17 x WBA			26 requalifying weeks	13 weeks but no entitlement from employer if gross misconduct	
Minnesota <sup>4</sup>			\$1,300		Wage credits from involved employer canceled	\$1,300
Mississippi	X <sup>4</sup>		8 x WBA			
Missouri <sup>2,4</sup>			6 x WBA for each discharge qualification		All or part of wage credits canceled	
Montana			8 x WBA	12 months		
Nebraska <sup>3</sup>	W + 14 <sup>8</sup>	Equal			All wage credits canceled for gross misconduct	
Nevada			WBA in each of not more than 16 weeks		Benefit rights from involved employer canceled	
New Hampshire <sup>4</sup>			120% WBA in each of 5 weeks		All wage credits canceled prior to date of separation	
New Jersey	W + 5 (before 7/1/10) W + 7 (after 7/1/10)		For 7/1/10 and later, 4 weeks and 6 x WBA for severe misconduct		Wage credits from involved employer canceled	4 weeks. + 6 x WBA (before 7/1/10) 8 weeks + 10 x WBA (after 7/1/10)
New Mexico			5 x WBA			
New York			5 x WBA <sup>19</sup>	12 months <sup>14</sup>		5 x WBA <sup>19</sup>
North Carolina <sup>2,4,5</sup>						
North Dakota <sup>3,4</sup>			10 x WBA	12 months		
Ohio <sup>2,3,4,5</sup>			6 weeks work and 6 x 27.5% of SAWW		All wage credits from involved employer canceled	
Oklahoma <sup>4</sup>			10 x WBA			
Oregon <sup>4</sup>		8 x WBA	4 x WBA		All wage credits canceled prior to date of separation	
Pennsylvania <sup>4</sup>			6 x WBA			

**TABLE 27 - DISQUALIFICATION FOR MISCONDUCT CONNECTED  
WITH WORK AND GROSS MISCONDUCT**

State (1)	Misconduct <sup>4</sup>			Gross Misconduct		
	Benefits Postponed <sup>1</sup> (2)	Benefits Reduced <sup>1</sup> (3)	Duration of Unemployment, Plus <sup>1</sup> (4)	Benefits Postponed <sup>1</sup> (5)	Benefits Reduced <sup>1</sup> (6)	Duration of Unemployment, Plus <sup>1</sup> (7)
Puerto Rico <sup>4</sup>			4 weeks work and 10 x WBA			
Rhode Island <sup>3,10</sup>			8 x WBA			
South Carolina <sup>4</sup>	WF + 5-20	Equal				8 x WBA
South Dakota <sup>2,4,9</sup>			WBA in each of 6 weeks			
Tennessee <sup>3</sup>			10 x WBA			
Texas <sup>12</sup>			6 weeks work or 6 x WBA			
Utah			6 x WBA	W + 51	Wage credits from involved employer canceled	
Vermont	WF + 6-15 <sup>22</sup>		WBA capped at 23 weeks			6 x WBA <sup>26</sup>
Virginia <sup>2</sup>			30 days or 240 hours of work			
Virgin Islands <sup>4</sup>			4 weeks work and 4 x WBA			
Washington			10 weeks elapsed and 10 x WBA <sup>1</sup>		Wage credits from involved employer or at least 680 wage credits canceled	10 weeks elapsed and 10 x WBA <sup>1</sup>
West Virginia <sup>2</sup>	W + 6	Equal				30 days work
Wisconsin <sup>25</sup>		Wages from work involved removed for benefit calc.	W + 7 and 14 x WBA			
Wyoming <sup>2</sup>		12 x WBA				

### FOOTNOTES FOR TABLE 27

1. “W” means week of occurrence; “WF”, week of filing. “Equal” indicates reduction equal to WBA multiplied by number of weeks of disqualification. “WBA in each of 4 weeks” means that individuals will not requalify for benefits until they have worked a minimum of 4 weeks and earned at least their weekly benefit amount in each week. **Washington:** claimant’s earnings must be in covered employment.
2. Disqualification applies to claimant’s last work, except in the following states it may apply to preceding separation. **Alabama:** if last separation was not considered bona fide work. **Florida, Idaho, Iowa, Illinois, Maryland, Massachusetts:** when employment or time period subsequent to last separation does not satisfy a potential disqualification. **Louisiana:** disqualification applies to base period, or last employer, until claimant earns 10 x WBA in wages after disqualifying separation and must be separated from the subsequent employment under non-disqualifying conditions. **Missouri:** preceding separations handled only if base period employer provides a timely protest to base period notice and subsequent employment does not satisfy the potential disqualification. **North Carolina, South Dakota, West Virginia:** if employment was less than 30 days. **Ohio:** when last separation does not meet 6 weeks worked and 6 X 27.5% of SAWW. **Virginia:** if employment was less than 30 days or 240 hours. **Wyoming:** not bona fide last work if less than 3 weeks full time and earnings less than 2X WBA .
3. Disqualification applicable to separation from — **District of Columbia:** employer for whom the individual last performed 30 work days in covered employment. **Kentucky:** most recent and next most recent employer; **Nebraska:** from any base-period or lag period employers; **Michigan:** to any chargeable employer; **North Dakota:** to any employer with

## FOOTNOTES FOR TABLE 27

whom the individual earned 10 x WBA; **Ohio:** to most recent employer that claimant worked and earned 6 x 27.5% of SAWW; **Rhode Island:** Effective July 1, 2014, 8 x WBA. **Tennessee:** from most recent employer.

4. Misconduct in **Alabama:** includes disciplinary suspension (Disqualification is for W + 1-3 weeks.). Alabama has two levels of misconduct (not including gross misconduct): misconduct after warning and misconduct with no prior warning. Misconduct after warning carries an indefinite denial of benefits, and a reduction of 6-12 weeks, with 100% tax relief for separating employer. Misconduct with no prior warnings carries a benefit postponement of W + 3-7 weeks, reduction of benefits in the amount of 4-8 weeks, and tax relief of 50%. **Alaska:** includes conduct in violation of employer's policy about the use of drugs or alcohol, and disciplinary suspension. **Arizona:** for refusing to undergo drug or alcohol testing, testing positive for drugs or alcohol, absence, attitude toward employer, misappropriation of funds, falsification of employment records, insubordination, neglect of duty, or violation of company rule or law. **Colorado:** separation due to on or off the job use of non-medically prescribed intoxicating beverages or controlled substances unless individual participates in an approved program of correction. **Connecticut:** due to conduct in the course of employment which constitutes deliberate misconduct, a single knowing violation of a reasonable and uniformly-enforced rule or policy, larceny of property or services whose value exceeded \$25 or theft of currency of any value, or felonious conduct. If the discharge is for absenteeism, the individual must be absent without either good cause or notice for three separate instances within a twelve month period. If, having been sentenced to a term of imprisonment of thirty days or longer and having commenced serving such sentence, he has been discharged during such period of imprisonment; or if he has been disqualified under state or federal law from performing the work for which he was hired as a result of a drug or alcohol testing program mandated by and conducted in accordance with such law. Also applies to disciplinary suspension. **Florida:** for testing positive for drugs, or disciplinary suspension. Irrespective of whether the misconduct occurs at the workplace or during working hours, misconduct includes conduct demonstrating conscious disregard of an employer's interests and found to be a deliberate violation or disregard of the reasonable standards of behavior the employer expects of employees; chronic absenteeism or tardiness in deliberate violation of a known company policy or one or more unapproved absences following a written reprimand or warning relating to more than one unapproved absence; a willful and deliberate violation of a standard or regulation of the state by an employee of an employer licensed or certified by the state, which violation would cause the employer to be sanctioned or have its license or certification suspended by the state; a violation of an employer's rule, unless the claimant can demonstrate that; he or she did not know and could not reasonably know of the rule's requirements, the rule is not lawful or not reasonably related to the job environment and performance, the rule is not fairly or consistently enforced. **Georgia:** failure to obey orders, rules or instructions or the failure to discharge the duties for which he or she was employed. Also includes violating an employer's drug free workplace policy, or disciplinary suspension. **Illinois:** deliberate and willful violation of a reasonable rule or policy of the employing unit, governing the individual's behavior in performance of his work, provided such violation has harmed the employing unit or other employees or has been repeated by the individual despite a warning or other explicit instruction from the employing unit. **Iowa:** includes disciplinary suspension. **Kansas:** a violation of duty or obligation reasonably owed the employer as a condition of employment. Also includes testing positive for drugs or alcohol, or refusing to be tested. **Kentucky:** includes, but is not limited to, separation initiated by an employer for falsification of an employment application to obtain employment through subterfuge; knowing violation of a reasonable and uniformly enforced rule of an employer; unsatisfactory attendance if the worker cannot show good cause for absences or tardiness; damaging the employer's property through gross negligence; refusing to obey reasonable instructions; reporting to work under the influence of alcohol or drugs, or consuming alcohol or drugs on employer's premises during working hours; conduct endangering safety of self or co-workers; and incarceration in jail following conviction of a misdemeanor or felony by a court of competent jurisdiction, which results in missing at least five (5) working days. **Louisiana:** disqualifies for using drugs on or off the job. Upon requalification, benefits are reduced by 50% for the remainder of the benefit year (in cases where the disqualification is based on illegal drug use). **Maryland:** includes disciplinary suspension. **Massachusetts:** any employee discharged for deliberate misconduct consisting of (i) stealing from such employee's place of employment; (ii) illegal drug use while at work; or (iii) drunkenness while at work shall be determined to be ineligible for benefits without regard to whether or not the employer had a written policy against such conduct. **Michigan:** for refusing to undergo drug testing, or testing positive for drugs. **Minnesota:** includes disciplinary suspension of more than 30 days. **Mississippi:** the Mississippi Department of Employment Security may conduct drug tests of applicants for unemployment compensation for the unlawful use of controlled substances as a condition for receiving such compensation, if such applicant: (i) Was terminated from employment with the claimant's most recent employer, as defined by Mississippi law, because of the unlawful use of controlled substances; or (ii) Is an individual for whom suitable work, as defined by Mississippi law, is only available in an occupation (as determined under regulations issued by the U.S. Secretary of Labor) that requires drug testing. **Missouri:** includes disciplinary suspension and conduct in violation of the employer's alcohol and controlled substance workplace policy. **New Hampshire:** for being discharged for intoxication, drug use or theft of amount greater than \$100 but less than \$250, disqualification is for 4 to 26 weeks. **North Carolina:** includes reporting to work significantly impaired by alcohol or illegal drugs, consuming alcohol or illegal drugs on an employer's

## FOOTNOTES FOR TABLE 27

premises, or conviction by a court for manufacturing, selling or distribution of a controlled substance while an employee. **North Dakota:** includes disciplinary suspension. **Ohio:** includes disciplinary suspension. **Oklahoma:** for refusing to undergo drug or alcohol testing, or testing positive for either. **Oregon:** if discharged because of tardiness or absenteeism as a result of drug or alcohol abuse, unless the claimant is participating in a recognized drug or alcohol rehabilitation center and provides documentation of participation in the program. Also, if discharged or suspended for being absent or tardy in reporting to work and the absence or tardiness occurred as the result of the use of alcohol on a second or any subsequent occasion within a period of 12 months unless the person was participating in a recognized alcohol rehabilitation program at the time of the absence or tardiness, or is so participating within 10 days after the date of the discharge or suspension, and the person provides to the department documentation of program participation. **Pennsylvania:** willful misconduct; refusal to submit to or pass a drug or alcohol test conducted pursuant to an established substance abuse policy; includes disciplinary suspension. **Puerto Rico:** includes disciplinary suspension. **South Carolina:** disqualifies for discharge for cause between 5 and 19 weeks, and 20 weeks for misconduct. **South Dakota:** deliberate misconduct in willful disregard of the employer's interest; disciplinary suspension. **Virgin Islands:** includes disciplinary suspension.

5. **North Carolina:** disqualifies for being put on disciplinary suspension by employer, which is defined as acts or omissions by the employee connected with work. **Ohio:** disqualifies for substantial fault by the claimant that does not constitute misconduct. Disqualification can include discharge for inability to perform work when: the individual did not perform the required work, the employer made known their expectations of the individual at time of hire for that position, the expectations were reasonable, and the requirements of the job did not change since the date of hire for that particular position (in accordance with the Ohio supreme court decision).
6. **Georgia:** for intentional conduct on the job resulting in injury to employers or others or discharge for theft of \$100 or less, 12 x WBA; for conduct resulting in property loss or damages of \$2,000 or more, theft of over \$100, sabotage, or embezzlement, 16 x WBA.
7. **Colorado:** benefits are postponed when the disqualifying separation is from the last employer, only. No reduction occurs when the last employer is not a base period employer.
8. **Illinois:** if reinstated by employer, requalifying requirement satisfied. Wage credits canceled by discharge for felony or theft.
9. **South Dakota:** conduct mandated by religious beliefs that the employer cannot reasonably accommodate will not be considered misconduct.
10. **Rhode Island:** not disqualified if NLRB-unfair labor practice complaint issued in connection with discharge.
11. **Alaska:** individual discharged for commission of a felony or theft in connection with work is disqualified (including EB) for week of occurrence plus the next 51 weeks or until he or she earns 20 x WBA. To the claimant the facilities, equipment, training, and supplies necessary to permit the claimant to take reasonable precautions to preclude his infection with the communicable disease. Disqualification not applicable if claimant discharged due to absence due to caring for ill minor child.
12. **Texas:** claimant was discharged rather than provide services within the course and scope of his employment to an individual infected with a communicable disease is disqualified if the employer made available seasonable precautions to preclude his infection with the communicable disease. Disqualification not applicable if claimant discharged due to absence caused by caring for ill minor child.
13. **Alaska:** the benefit postponement may be terminated if a claimant earns 8 x WBA during disqualification period. The 3 x WBA reduction is not removed.
14. **New York:** if convicted of a felony or a statement admitting the act is signed.
15. **Alabama:** misconduct after warning. Claimant must also be separated for a non-disqualifying reason.
16. **Maryland:** amended category of discharge due to aggravated misconduct which is defined as behavior committed with actual malice and deliberate disregard for the property, safety or life of others that: affects the employer, fellow employees, subcontractors, invitees of the employer, members of the public, or the ultimate consumer of the employer's product or services; and consists of either physical assault or property loss or damage so serious that the penalties of misconduct or gross misconduct are not sufficient. Provides for a 30 x WBA penalty.
17. **Alabama:** gross misconduct includes a confirmed positive drug test when a reasonable drug policy exists or refusing to submit to a drug test, or knowingly altering the results of a drug test.
18. **Nebraska:** wage credits resulting from the discharging employer are canceled if individual is under the influence of any intoxicating beverage or controlled substance on the worksite or while engaged in work (aggravated misconduct). Discharge for gross misconduct results in cancellation of all benefits payable based on wages earned before the date of discharge.
19. **New York:** claimant discharged for reasons that constitute misconduct may not use wages earned with that employer to establish a claim for benefits.
20. **Louisiana:** 10 x WBA applies only where other BP wages permit monetary eligibility of claim.
21. **Indiana:** Column (3) - When it has been determined that an individual has been separated from employment under disqualifying conditions as outlined in this section, the maximum benefit amount of the individual's current claim, as

## FOOTNOTES FOR TABLE 27

initially determined, shall be reduced by an amount determined as follows: 1) For the first separation from employment under disqualifying conditions, the maximum benefit amount of the individual's current claim is equal to the result of: (A) the maximum benefit amount of the individual's current claim, as initially determined; multiplied by (B) seventy-five percent (75%); rounded (if not already a multiple of one dollar (\$1)) to the next higher dollar. 2) For the second separation from employment under disqualifying conditions, the maximum benefit amount of the individual's current claim is equal to the result of: (A) the maximum benefit amount of the individual's current claim determined under subdivision (1); multiplied by (B) eighty-five percent (85%); rounded (if not already a multiple of one dollar (\$1)) to the next higher dollar. 3) For the third and any subsequent separation from employment under disqualifying conditions, the maximum benefit amount of the individual's current claim is equal to the result of: (A) the maximum benefit amount of the individual's current claim determined under subdivision (2); multiplied by (B) ninety percent (90%); rounded (if not already a multiple of one dollar (\$1)) to the next higher dollar; Column (4) - Regarding an individual's most recent separation from employment before filing an initial or additional claim for benefits, an individual who voluntarily left the employment without good cause in connection with the work or was discharged from the employment for just cause is ineligible for waiting period or benefit rights for the week in which the disqualifying separation occurred and until: 1) the individual has earned remuneration in employment in at least eight (8) weeks; and 2) the remuneration earned equals or exceeds the product of the weekly benefit amount multiplied by eight (8). If the qualification amount has not been earned at the expiration of an individual's benefit period, the unearned amount shall be carried forward to an extended benefit period or to the benefit period of a subsequent claim.

22. **Vermont:** standard is 10 weeks. WBA capped at 23 weeks.

23. **District of Columbia:** weeks of work must be in covered employment.

24. **Arkansas:** if the discharge is for testing positive on a U.S. DOT qualified drug screen, in addition to earning insured wages in 2 quarters totaling 35 times WBA, the claimant must test negative on a U.S. DOT qualified drug screen.

25. **Wisconsin:** in addition to being disqualified for misconduct in Wisconsin, a claimant may be disqualified for benefits if the claimant's discharge is due to substantial fault. "Substantial fault" includes those acts or omissions of an employee over which the employee exercised reasonable control and which violate reasonable requirements of the employee's employer. Substantial fault has the same seven by fourteen frame work for requalification for benefits lost due to misconduct. Yet, if the claiming is disqualified from benefits under the substantial fault criteria, the wages earned at the job may be used to determine claimant's eligibility for and amount of benefits should the claimant requalify for benefits.

26. **Vermont:** separation wages from Gross Misconduct are not usable.

# DISQUALIFICATION FOR REFUSAL OF SUITABLE WORK

States vary regarding what is considered suitable work and what is considered good cause for refusing it. Under federal law, all states are prohibited from denying benefits to any otherwise eligible individual for refusing to accept new work under any of the following conditions: (A) if the position offered is vacant due directly to a strike, lockout, or other labor dispute; (B) if the wages, hours, or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality; (C) if as a condition of being employed the individual would be required to join a company union or to resign from or refrain from joining any bona fide labor organization.... 23 U.S.C. 3304 (a)(5).

Most state laws require agencies to consider the following criteria to determine if a job constitutes suitable

work for a claimant: the degree of risk to the claimant's health, safety, and morals; the claimant's physical fitness, prior training, previous experience and earnings; the length of his or her unemployment; the prospects for securing local work in his or her customary occupation; and the distance of the available work from the claimant's residence.

There are many modifications to these criteria, the most common of which is how the suitability of an offered wage changes as the claimant's unemployment increases. Federal law requires, in the case of extended benefits, that states disregard consideration of a claimant's prior experience, training, and earnings if the work offered is otherwise suitable and pays at least the minimum wage or the individual's average weekly benefit amount (whichever is higher). (See Table 33 for more specifics)

**Table 28 - DISQUALIFICATION FOR REFUSAL OF SUITABLE WORK WITHOUT GOOD CAUSE**

State (1)	Benefits Postponed <sup>1</sup> (2)	Alternative Earnings Requirements <sup>1</sup> (3)	Benefits Reduced <sup>1</sup> (4)	Duration of Unemployment Plus: <sup>1</sup> (5)
Alabama <sup>18</sup>	W + 1-10			
Alaska <sup>16</sup>	W + 6	8 x WBA	3 x WBA	
Arizona				8 x WBA
Arkansas				30 days of covered employment <sup>6</sup>
California	W + 1-9			
Colorado	W + 20		Equal <sup>8</sup>	
Connecticut			6 x WBA	
Delaware				4 weeks work + 4 x WBA
D.C.				10 weeks work + 10 x WBA <sup>14</sup>
Florida	W + 1-5 <sup>2</sup>		Optional	17 x WBA
Georgia				10 x WBA
Hawaii				5 x WBA
Idaho				14 x WBA
Illinois				WBA in each of 4 weeks
Indiana			By 25% <sup>13</sup>	WBA in each of 8 weeks
Iowa			10 x WBA	
Kansas				3 x WBA
Kentucky				10 x WBA earned in at least 10 weeks
Louisiana				10 x WBA
Maine				10 x WBA

**Table 28 - DISQUALIFICATION FOR REFUSAL OF  
SUITABLE WORK WITHOUT GOOD CAUSE**

State (1)	Benefits Postponed <sup>1</sup> (2)	Alternative Earnings Requirements <sup>1</sup> (3)	Benefits Reduced <sup>1</sup> (4)	Duration of Unemployment Plus: <sup>1</sup> (5)
Maryland	W + 4-9	At agency discretion 10 x WBA		
Massachusetts	W + 7		Not exceeding 8 weeks	
Michigan <sup>9</sup>	W + 13		Equal	
Minnesota	W + 7			
Mississippi	W + 1-12			
Missouri				10 x WBA
Montana <sup>10,17</sup>			Equal	6 x WBA
Nebraska	W + 12		Equal	
Nevada				WBA in each of up to 16 weeks
New Hampshire				120% WBA in each of 5 weeks
New Jersey	W + 3			
New Mexico				5 x WBA
New York				5 x WBA
North Carolina	After week 10, suitable work is any employment offer paying 120% of the individual's weekly benefit amount			
North Dakota				10 x WBA
Ohio <sup>15</sup>				6 weeks work + 6 x 27.5% of SAWW
Oklahoma				10 x WBA <sup>5</sup>
Oregon			8 x WBA	4 x WBA
Pennsylvania				X <sup>3</sup>
Puerto Rico				4 weeks of work + 10 x WBA
Rhode Island <sup>3</sup>				8 x WBA
South Carolina				8 x WBA
South Dakota				WBA in each of 6 weeks
Tennessee				10 x WBA
Texas		6 x WBA		6 weeks of work
Utah				6 x WBA
Vermont				6 x WBA
Virginia <sup>11</sup>				30 days or 240 hours of work
Virgin Islands				4 weeks work + 4 x WBA
Washington				7 weeks elapsed + 7 x WBA <sup>12</sup>
West Virginia	W + 4 <sup>4</sup>		Equal	
Wisconsin				6 x WBA
Wyoming				8 x WBA <sup>7</sup>



## FOOTNOTES FOR TABLE 28

1. "W" means week of occurrence; "WF" = week of filing. "Equal" indicates reduction equal to WBA multiplied by number of weeks of disqualification. "WBA in each of 4 weeks" means the individual must work a minimum of 4 weeks and earn at least an amount equal to his weekly benefit amount in each week.
2. **Florida:** aliens who refuse resettlement or relocation employment are disqualified 1-17 weeks, or reduction by not more than 5 weeks.
3. **Pennsylvania:** if the work refused was temporary or casual, the ineligibility continues only for the period of time that work would have been available. If the work was not temporary or casual, the ineligibility continues until subsequent employment is obtained which is not of a temporary or casual nature. **Rhode Island:** effective July 1, 2014, 8 x WBA.
4. **West Virginia:** plus additional weeks as offer remains open.
5. **Oklahoma:** disqualification can be for week of occurrence for refusal due to illness, death of a family member or other circumstances beyond the individual's control.
6. **Arkansas:** disqualifies claimant who refuses recall or voluntarily removes name from a recall list and requires 30 days of covered work to requalify.
7. **Wyoming:** disqualification also applies to union members who after 4 weeks of unemployment fail to apply for or accept nonunion work in customary occupation.
8. **Colorado:** or remaining benefits, whichever is less.
9. **Michigan:** claimant will be disqualified for refusing suitable work that pays at least 70% of the claimant's most recent gross wage before becoming unemployed. After half the claimant's benefits are paid in a benefit year, work will be suitable even if outside the claimant's training or experience, if it pays at least the state minimum wage, pays at least the prevailing average wage for similar work in the locality, and pays at least 120% of the claimant's weekly unemployment benefit amount.
10. **Montana:** after 13 weeks of unemployment, suitable work is work that offers at least 75% of the individual's earnings gained from previous insured work which was in the individual's occupation. No individual is required to accept a job paying less than the federal minimum wage.
11. **Virginia:** an individual whose type of work is such that it is performed by individuals working two or more shifts in a 24 hour period, shall not be deemed unavailable for work if individual is attending a class or training program that would only limit his or her availability for one shift and would otherwise be available to work any of the other shifts.
12. **Washington:** claimant's earnings must be in covered employment.
13. **Indiana:** Column (4) - When it has been determined that an individual has been separated from employment under disqualifying conditions as outlined in this section, the maximum benefit amount of the individual's current claim, as initially determined, shall be reduced by an amount determined as follows: 1) For the first separation from employment under disqualifying conditions, the maximum benefit amount of the individual's current claim is equal to the result of: (A) the maximum benefit amount of the individual's current claim, as initially determined; multiplied by (B) seventy-five percent (75%); rounded (if not already a multiple of one dollar (\$1)) to the next higher dollar. 2) For the second separation from employment under disqualifying conditions, the maximum benefit amount of the individual's current claim is equal to the result of: (A) the maximum benefit amount of the individual's current claim determined under subdivision (1); multiplied by (B) eighty-five percent (85%); rounded (if not already a multiple of one dollar (\$1)) to the next higher dollar. 3) For the third and any subsequent separation from employment under disqualifying conditions, the maximum benefit amount of the individual's current claim is equal to the result of: (A) the maximum benefit amount of the individual's current claim determined under subdivision (2); multiplied by (B) ninety percent (90%); rounded (if not already a multiple of one dollar (\$1)) to the next higher dollar;
14. **District of Columbia:** weeks of work must be in covered employment.
15. **Ohio:** individuals attending a training course are not subject to any disqualification because of refusal to accept an offer of suitable work or because of refusal or failure to investigate a referral to work.
16. **Alaska:** after 13 consecutive weeks of unemployment and when the claimant does not have reasonable good prospects to return to the claimant's customary occupation, suitable work is defined as work that is outside of the claimant's customary occupation and for which the claimant has the training and experience.
17. **Montana:** state law was enacted pursuant to the ARRA of 2009 that permits an individual to seek only part-time work (refuse suitable work) if the majority of the individual's weeks of work in the base period were part-time (39 or less hours of work).
18. **Alabama:** disqualification is only assessed if refusal of work occurs during a week for which the claimant has filed for benefits.

# DISQUALIFICATION FOR UNEMPLOYMENT CAUSED BY LABOR DISPUTE

The labor dispute disqualification is different from the voluntary quit, discharge for misconduct, and refusal of work disqualifications, because there is no question here of the individual's responsibility for his or her own unemployment. The denial of benefits normally applies to all similarly circumstanced. Its purpose seems not so much to withhold benefits for unemployment caused by the individual's own act, as to maintain a neutral position with respect to the labor dispute and avoid potentially heavy drains on the unemployment fund. Except in New York, which has a fixed period of disqualification, the

disqualifications involve benefits for a period related to continuation of the stoppage of work or whether the dispute is in active progress.

As Table 29 shows, a number of states exclude from disqualification workers employed in the establishment in which the dispute occurs but who are not taking part in the dispute, are not directly interested in it, and are not part of a grade or class of workers that is participating in or interested in the dispute. Other states have additional minor exceptions to the disqualification.

**TABLE 29 - DISQUALIFICATION FOR UNEMPLOYMENT CAUSED BY LABOR DISPUTE**

State (1)	Duration of Disqualification				Dispute Does Not Include Lockout (6)	Disqualifications not applicable to individuals if they and others of the same grade or class are not:		
	During Stoppage of Work Due to Dispute (2)	While Dispute is in Active Progress (3)	While Unemployed Due to Dispute (4)	Other <sup>1</sup> (5)		Participating in Dispute (7)	Financing Dispute (8)	Directly Interested in Dispute (9)
Alabama		X						
Alaska	X		X <sup>12</sup>			X		X
Arizona			X			X	X	X
Arkansas		X		X <sup>1</sup>	X	X		X
California		X			X <sup>2</sup>			
Colorado				X <sup>1</sup>	X <sup>15</sup>	X	X	X
Connecticut			X		X	X	X	X
Delaware	X				X	X	X	X
D.C.		X			X	X		X
Florida		X			X	X	X	X
Georgia	X				X	X	X	X
Hawaii	X					X		
Idaho			X			X	X	X
Illinois	X				X <sup>7</sup>	X	X	X
Indiana			X		X	X	X	X
Iowa	X				X <sup>8</sup>	X <sup>5</sup>	X	X
Kansas	X	X	X	X	X	X	X	X
Kentucky		X			X			
Louisiana		X			X	X		X
Maine <sup>17</sup>	X <sup>4</sup>				X	X	X	X
Maryland	X				X	X	X	X
Massachusetts	X				X	X	X	X

**TABLE 29 - DISQUALIFICATION FOR UNEMPLOYMENT CAUSED BY LABOR DISPUTE**

State (1)	Duration of Disqualification				Dispute Does Not Include Lockout (6)	Disqualifications not applicable to individuals if they and others of the same grade or class are not:		
	During Stoppage of Work Due to Dispute (2)	While Dispute is in Active Progress (3)	While Unemployed Due to Dispute (4)	Other <sup>1</sup> (5)		Participating in Dispute (7)	Financing Dispute (8)	Directly Interested in Dispute (9)
Michigan				X <sup>1,5</sup>	X <sup>3</sup>	X	X	X
Minnesota <sup>16</sup>		X			X	X		X
Mississippi	X				X	X		X
Missouri			X <sup>13</sup>			X	X	X
Montana			X <sup>6</sup>			X	X	X
Nebraska	X					X	X	X
Nevada		X				X	X	X
New Hampshire	X <sup>4</sup>			X <sup>1</sup>		X	X	X
New Jersey	X				X	X	X	X
New Mexico			X			X		X
New York				X <sup>1</sup>	X	X	X	X
North Carolina				X <sup>1</sup>				
North Dakota			X			X		X
Ohio			X		X	X <sup>14</sup>	X <sup>14</sup>	X <sup>14</sup>
Oklahoma	X				X	X		X
Oregon		X			X <sup>11</sup>	X <sup>5</sup>	X	X
Pennsylvania	X				X	X		X
Puerto Rico	X				X	X		X
Rhode Island			X		X	X	X	X
South Carolina		X				X	X	X
South Dakota			X		X	X	X	X
Tennessee		X <sup>4</sup>			X	X		
Texas	X				X	X <sup>5</sup>	X	X
Utah	X <sup>4</sup>				X	X		
Vermont	X				X <sup>10</sup>	X	X	X
Virginia				X <sup>1</sup>		X	X	X
Virgin Islands		X			X	X		X
Washington			X		X <sup>9</sup>	X	X	X
West Virginia	X				X	X	X	X
Wisconsin		X			X			
Wyoming	X		X			X	X	X

## FOOTNOTES FOR TABLE 29

1. **Arkansas, Colorado, North Carolina:** extend disqualification for a reasonable period of time necessary for the establishment to resume normal operations. **Michigan, Virginia:** extend period to shutdown and start up operations. **New Hampshire:** disqualification extends to no more than two weeks after termination of the labor dispute. **New York:** provides fixed suspension of benefits for seven consecutive weeks unless the dispute ends earlier or upon hiring of replacement workers by the employer.
2. **California:** lockouts are considered to be labor disputes and eligibility depends on reason for lockout.
3. **Michigan:** a lockout in an employee's employing establishment is a disqualifying labor dispute.
4. Disqualification not applicable if claimant subsequently obtains work and in, **Maine:** earns 8 x WBA or has been employed 5 weeks. **New Hampshire:** earns WBA + 20% in 5 weeks. **Tennessee:** earns 10 x WBA. **Utah:** claimant earned wages during BP of at least 8% of state average annual wage in the prior year and such wages represent not less than 1½ times HQ wages, however, BP wages earned from employer involved in dispute cannot be used as the basis for benefit claim during such labor dispute.

## FOOTNOTES FOR TABLE 29

5. **Iowa:** failure or refusal to cross picket line constitutes involvement in labor dispute. **Michigan:** Disqualification can be terminated with 2 consecutive weeks of employment, with earnings in each of at least the claimant's WBA. **Oregon:** maintaining union membership and paying union dues does not mean individual is participating, financing or directly interested in dispute. **Texas:** failure or refusal to cross picket line or accept and perform available and customary work in the establishment constitutes participation and interest.
6. **Montana:** unless labor dispute caused by failure of employer to conform to law on collective bargaining, hours, wages, or work conditions.
7. **Illinois:** labor dispute does not include lockout by an employer for any week unless (1) the workers' representative refuses to meet with the employer under reasonable conditions to discuss the issues giving rise to the lockout, or (2) there is a final adjudication by the National Labor Relations Board that the workers' representative has failed to bargain in good faith with the employer over the issues that gave rise to the lockout, or (3) the lockout is the direct consequence of the violation of the terms of an existing collective bargaining agreement by the workers' representative.
8. **Iowa:** a lockout is not a labor dispute if the claimant is willing to continue working under the preexisting terms and conditions of the expired collective bargaining agreement for a reasonable period of time while a new collective bargaining agreement is negotiated. A lockout is a cessation of the furnishing of work to employees or a withholding of work from them in an effort to get more desirable terms for the employer.
9. **Washington:** an individual is disqualified if unemployed due to a lockout by his or her employer who is a member of a multi-employer bargaining unit and who has locked out the employees at the factory, establishment, or other premises at which the individual is or was last employed after one member of the multi-employer bargaining unit has been struck by its employees as a result of a multi-employer bargaining process.
10. **Vermont:** a temporary suspension of work in response to actual or imminent damage to the employer's property or a purposeful effort by employees to reduce productivity is not considered a lockout.
11. **Oregon:** a claimant is not disqualified if unemployed due to a lockout at the last employer; and (a) the lockout is not the result of a labor dispute between a multi-employer bargaining unit and an employer other than the last employer of the claimant; and (b) the recognized or certified bargaining agent has announced to the employer that the individuals engaged in the labor dispute are willing to work pending negotiation of a new contract under the current terms and conditions of employment last offered by the employer immediately prior to the bargaining agent announcement or, if there has been no employer offer, under the terms and conditions of employment immediately prior to such bargaining agent announcement; and (c) the employer employs individuals who were not employed by the employer immediately prior to the labor dispute, to replace the individuals unable to work during the lockout.
12. **Alaska:** at times this has been interpreted to include unemployment which continues after the end of the dispute, if its original cause was due to the stoppage.
13. **Missouri:** this definition shall not apply to a strike where the employees in the bargaining unit who initiated the strike are participating in the strike. Such employees shall not be eligible for waiting week credit, or benefits during the period when the strike is in effect, regardless of diminution, unless the employer has been found guilty of an unfair labor practice by the National Labor Relations Board or by a federal court of law for an act or action preceding or during the strike.
14. **Ohio:** the disqualification does not apply if the unemployment caused by the dispute is at a location other than the location of the dispute and it is shown that the individuals were not participating, financing, or directly interested in the dispute.
15. **Colorado:** individual is not eligible for benefits when locked out by employer in a defensive lockout. Benefits are payable to individual when locked out in an offensive lockout initiated by an employer.
16. **Minnesota:** non-participants are disqualified only for the first calendar week the dispute started.
17. **Maine:** a claimant is not disqualified if unemployed because of a strike or lockout caused by an employer's willful failure to observe the terms of the safety and health section of a union contract; an employer's willful failure to comply in a timely fashion with an official citation for a violation of federal and state laws involving occupational safety and health; or the quitting of labor by an employee or employees in good faith because of an abnormally dangerous condition for work at the place of employment of that employee or employees; provided that the strike or lockout does not extend past the time of the employer's compliance with the safety and health section of the union contract, the employer's compliance with the official citation or the finding that an abnormally dangerous condition does not exist by a federal or state official empowered to issue official citations for violation of federal and state laws involving occupational safety and health; or [1997, c. 391, sec. 1 (amd)].

# DISQUALIFICATIONS AND PENALTIES FOR FRAUD

All states enforce a disqualification because of fraudulent misrepresentations to obtain or increase benefits. In addition to these administrative penalties, state laws provide for the repayment of such benefits, often with interest, and also fines or imprisonment.

All state laws provide for the agency to recover benefits paid to claimants later found not to be entitled to them. In a few states, if the overpayment is without fault on the claimant's part, there is no requirement to repay such benefits, but the state agency may deduct such overpayments from future benefits. State laws also provide for fines and imprisonment for willfully

or intentionally misrepresenting or concealing facts material to a determination concerning the claimant's entitlement to benefits. In some states the penalty is greater for employers than for claimants. In several states, fraudulent misrepresentation is punishable under the general provisions of the state criminal code. As a conformity requirement, states must assess a 15% penalty on the fraud principle and it must be repaid and credited to the state unemployment trust fund.

Table 30 summarizes the disqualifications and penalties for fraudulent misrepresentation.

**TABLE 30 - DISQUALIFICATIONS AND PENALTIES FOR FRAUD**

State (1)	DISQUALIFICATION		PENALTIES			
	Duration <sup>1</sup> (2)	Benefits Reduced or Canceled (3)	To Obtain or Increase Benefits		To Prevent or Reduce Benefits	
			\$ Fine <sup>1,2</sup> (4)	Maximum Imprisonment (5)	\$ Fine <sup>2</sup> (6)	Maximum Imprisonment (7)
Alabama		4 x WBA-to max. benefits payable in BY	50-500	1 year	20-200 <sup>4</sup>	30 days <sup>4</sup>
Alaska	W + 6-52 weeks	X <sup>3</sup>	50% benefits received <sup>3</sup>	X <sup>3</sup>	X <sup>3</sup>	X <sup>3</sup>
Arizona	1-52 weeks <sup>5</sup>	X <sup>6</sup>	0-150,000 per offense plus penalty of 15% total fraud overpayment	0.33-2 years	0-500	0-30 days per offense
Arkansas	Initial Claims: 10 weeks x WBA; Continued Weeks Claimed: W + 13 weeks + 3 weeks for each week of fraud	0% of remaining entitlement	20-50	30 days	20-200	60 days
California	2-15 weeks <sup>29</sup> ; if convicted, 52 weeks	Mandatory offset against overpayment	X <sup>7</sup>	X <sup>7</sup>	X <sup>7</sup>	X <sup>7</sup>
Colorado	X <sup>8</sup>	X <sup>8</sup>	100% of benefits plus 65% <sup>18</sup>	6 months	25-1,000	6 months
Connecticut	Until amounts fraudulently received, interest and penalties are repaid <sup>9</sup>	Mandatory equal reduction	X <sup>9</sup>	X <sup>9</sup>	X <sup>9</sup>	X <sup>9</sup>
Delaware	W + 51 weeks	X <sup>6</sup>	20-50	60 days	20-200	60 days
	-	-	100% of benefits fraudulently received <sup>49</sup>	-	-	-

**TABLE 30 - DISQUALIFICATIONS AND PENALTIES FOR FRAUD**

State (1)	DISQUALIFICATION		PENALTIES			
	Duration <sup>1</sup> (2)	Benefits Reduced or Canceled (3)	To Obtain or Increase Benefits		To Prevent or Reduce Benefits	
			\$ Fine <sup>1,2</sup> (4)	Maximum Imprisonment (5)	\$ Fine <sup>2</sup> (6)	Maximum Imprisonment (7)
D.C.	All or part of remainder of BY and for one year beginning with the end of such BY	X <sup>6</sup>	100	60 days	1,000	6 months
Florida	1-52 weeks	X <sup>6</sup>	5,000	5 years	5,000	5 years
Georgia	Remainder of current quarter and next 4 quarters <sup>5</sup>	Mandatory equal reduction	X <sup>27</sup>	X <sup>27</sup>	X <sup>27</sup>	X <sup>27</sup>
Hawaii	24 months <sup>5</sup>	X <sup>6</sup>	15% of over-payment <sup>11</sup>	X <sup>11</sup>	\$10,000	1 year
Idaho	W + 52; plus until amounts fraudulently received, interest and penalty are repaid	Canceled for 1 year	X <sup>10</sup>	X <sup>10</sup>	10 x WBA <sup>41</sup>	
Illinois	W + 6 weeks; plus 2 additional weeks disqualification for each subsequent offense <sup>47</sup>	X <sup>6</sup>	0-500	6 months	0-500	6 months
Indiana	During week(s) in which fraud committed	X <sup>46</sup>	X <sup>30</sup>	X <sup>30</sup>	X <sup>30</sup>	X <sup>30</sup>
Iowa	Up to current BY	Mandatory equal reduction	X <sup>13</sup>	X <sup>13</sup>	X <sup>13</sup>	X <sup>13</sup>
Kansas	5 years	X <sup>6</sup>	X <sup>14</sup>	X <sup>14</sup>	20-1,000	60 days
Kentucky	W + up to 52 weeks; if fraudulent benefits received, until such amounts are repaid plus 1.5% per month if not repaid within 1 year or 10 years <sup>5</sup>	X <sup>6</sup>	15%	1-5 years	15%	1-5 years
Louisiana	W <sup>1</sup> + 52 weeks; if fraudulent benefits received, until such amounts are repaid or offset	X <sup>6</sup>	50-1,000	30-90 days	50-1,000	30-90 days
Maine	6 months - 1 year, except 3rd occurrence. The disqualification period of time is determined by commissioner.	X <sup>33</sup>	X <sup>15</sup>	X <sup>15</sup>	X <sup>15</sup>	X <sup>15</sup>
Maryland	1 year until benefits repaid plus interest of 1.5% per month until repayment	X <sup>6</sup>	1,000 <sup>7</sup>	90 days <sup>7</sup>	1,000 <sup>7</sup>	90 days <sup>7</sup>
Massachusetts	W with 12% interest on unpaid balance	X <sup>39</sup>	1,000	6 months	2,500	1 year
Michigan	Current benefit year and any benefit year within 4 years of benefit cancellation <sup>24</sup>	Benefits canceled, and wages used to establish benefit year also canceled	X <sup>24</sup>	X <sup>24</sup>	X <sup>24</sup>	X <sup>24</sup>

**TABLE 30 - DISQUALIFICATIONS AND PENALTIES FOR FRAUD**

State (1)	DISQUALIFICATION		PENALTIES			
	Duration <sup>1</sup> (2)	Benefits Reduced or Canceled (3)	To Obtain or Increase Benefits		To Prevent or Reduce Benefits	
			\$ Fine <sup>1,2</sup> (4)	Maximum Imprisonment (5)	\$ Fine <sup>2</sup> (6)	Maximum Imprisonment (7)
Minnesota	Until benefits, penalties and interest repaid <sup>37</sup>		X <sup>26</sup>	X <sup>26</sup>	X <sup>26</sup>	X <sup>26</sup>
Mississippi	W + up to 52 weeks	X <sup>5</sup>	100-500 <sup>34</sup>	30 days	100-1,000 <sup>34</sup>	60 days
Missouri	Up to current BY + <sup>12</sup>	All or part of wage credits prior to act canceled	50-1,000 <sup>38</sup>	6 months	50-1,000 <sup>38</sup>	6 months
Montana	1-52 weeks	Penalty up to 100% of benefits wrongfully received	50-500	3-30 days <sup>15</sup>	50-500	30-30 days
Nebraska	Up to current BY + <sup>12,13</sup>	All or part of wage credits prior to act canceled	0-500	90 days	0-500	90 days
Nevada	W + 1-52 weeks <sup>45</sup>	X <sup>6</sup>	Up to \$10,000 <sup>45</sup>	Up to 10 years	2,000 <sup>45</sup>	1 year
New Hampshire	4-52 weeks; if convicted, additional 1 year following conviction.	Mandatory equal reduction	Up to \$5,000 <sup>9</sup>	Up to 15 years <sup>9</sup>	Up to \$5,000 <sup>9</sup>	Up to 15 years <sup>9</sup>
New Jersey	One year from date of discovery <sup>5</sup>	-	20 <sup>25</sup>	-	25% of amount fraudulently received	-
New Mexico	Not more than 52 weeks	X <sup>6</sup>	100	30 days	X <sup>2</sup>	30 days
New York	4-80 effective days for which otherwise eligible <sup>5</sup>	Mandatory equal reduction	500	1 year	500	1 year
North Carolina	52 weeks following date notice of decision mailed	X <sup>6</sup>	Up to 200 <sup>9</sup>	Up to 2 years <sup>9</sup>	Up to 200	Up to 2 years
North Dakota	W + 51 weeks	X <sup>6</sup>	X <sup>28</sup>	X <sup>28</sup>	X <sup>28</sup>	X <sup>28</sup>
Ohio	Duration of unemployment or until fraudulent benefits repaid or withheld <sup>17</sup>	X <sup>17</sup>	X <sup>42</sup>	X <sup>42</sup>	X <sup>42</sup>	X <sup>42</sup>
Oklahoma	W + 51 weeks, plus interest of 1% per month plus penalty of 25% of overpayment until repaid or offset against future benefits <sup>35</sup>	BP or BY may not be established during period	50-500 <sup>7</sup>	90 days	50-500	90 days
Oregon	Up to 52 weeks <sup>5</sup> per occurrence. Also, if convicted, until benefits repaid	If convicted, all wage credits prior to conviction cancelled <sup>12</sup>	Up to 100,000 <sup>43</sup>	Up to 5 years	100-1,500	30 days
Pennsylvania	2 weeks plus 1 week for each week of fraud or if convicted of illegal receipt of benefits, 1 year after conviction <sup>5,19</sup>	X <sup>6</sup>	100-1,000 <sup>36</sup>	30 days	100-1,500 <sup>36</sup>	30 days



**TABLE 30 - DISQUALIFICATIONS AND PENALTIES FOR FRAUD**

State (1)	DISQUALIFICATION		PENALTIES			
	Duration <sup>1</sup> (2)	Benefits Reduced or Canceled (3)	To Obtain or Increase Benefits		To Prevent or Reduce Benefits	
			\$ Fine <sup>1,2</sup> (4)	Maximum Imprisonment (5)	\$ Fine <sup>2</sup> (6)	Maximum Imprisonment (7)
Puerto Rico	W + 52 weeks	-	X <sup>20</sup>	X <sup>20</sup>	1,000	1 year
Rhode Island	If convicted, 1 year after conviction	X <sup>6</sup>	20-50 <sup>31</sup>	30 days	20-200 <sup>31</sup>	60 days
South Carolina	W + 10-52 weeks	X <sup>6</sup>	50-100,000	10 years	50-100,000	10 years
South Dakota	1-52 weeks (no expiration)	X <sup>6</sup>	X <sup>21</sup>	X <sup>21</sup>	500	30 days
Tennessee	W + 4-52 weeks	X <sup>6</sup>	X <sup>7</sup>	X <sup>7,40</sup>	X <sup>7</sup>	X <sup>7</sup>
Texas	First week of fraud through end of BY	Remainder of BY canceled	4,000	1 year	4,000	1 year
Utah	W + 13-49 weeks; and until fraudulently received benefits are repaid <sup>22</sup>	X <sup>6</sup>	Up to 10,000 <sup>32</sup>	Up to 15 years <sup>32</sup>	Up to 20,000 <sup>32</sup>	Up to 15 years <sup>32</sup>
Vermont	If not prosecuted, until amount of fraudulent benefits repaid or withheld + 1-26 weeks <sup>5</sup>	X <sup>6</sup>	15% penalty in addition to overpay amount. Effective 7/1/13 <sup>2</sup>	30 days	50 <sup>4</sup>	30 days <sup>4</sup>
Virginia	Week of fraudulent act + 52 weeks beginning with date of determination; If convicted in criminal court, deprived for 1 year following conviction <sup>5</sup>	X <sup>6</sup>	X <sup>7</sup>	X <sup>7</sup>	X <sup>7</sup>	X <sup>7</sup>
Virgin Islands	W + 51 weeks <sup>5</sup>	X <sup>6</sup>	25-200	60 days	25-200	60 days
Washington	Week of fraudulent act plus <sup>44</sup>		20-250 <sup>44</sup>	90 days	X <sup>44</sup>	X <sup>44</sup>
West Virginia	W + 52 weeks	-	100-1,000 <sup>48</sup>	30 days	20-200 <sup>4</sup>	30 days <sup>4</sup>
Wisconsin		2 to 8 x WBA plus 15% penalty on overpayments resulting from claimant's fraud. <sup>23</sup>	100-500	90 days	100-500	90 days
Wyoming	52 weeks + 2 years after conviction	All accrued benefits forfeited	5,000	5 years	750	90 days

## FOOTNOTES FOR TABLE 30

1. "W" means week in which act occurs plus the indicated number of consecutive weeks following. **Louisiana:** disqualification period begins following the week the determination of fraud was made; period of disqualification may vary depending on provisions in the law.
2. Except for **Arkansas, Georgia, Hawaii, New Mexico, New York, Pennsylvania, Puerto Rico, Texas, Wisconsin:** law does not provide for both fine and imprisonment. When only one figure is given, no minimum penalty is indicated, law says "no more than" amounts specified. **Arizona:** false statement to obtain benefits under A.R.S. Sec. 23-785 is a class 6 felony (the lowest felony). The penalty ranges for a class 6 felony are as follows: (a) Prison: Presumptive term is 1 year in prison, however: (1) if mitigating factors are found, a court can reduce to 0.5 years. (2) if exceptional mitigating factors are found, court can reduce to 0.33 years. (3) if aggravating factors are found, court can increase to 1.5 years. (4) if exceptional aggravating factors are found, court can increase to 2.0 years. Therefore, the range of prison is 0.33-2 years (See A.R.S. Sec. 13-702). If the person has prior felony convictions, the sentences can be

## FOOTNOTES FOR TABLE 30

higher. A person can receive these penalties for each false statement because each false statement is a separate offense. (b) Fines: The fine for any felony can range from \$0-150,000 (See A.R.S. Sec. 13-801). (c) Penalty: Sec. 23-787 now requires a 15% penalty be imposed on any fraudulent overpayment established after October 21, 2013. This is not a criminal, but a civil penalty. The statute of limitations for a class 6 felony is 7 years. As for 'False Statement to Reduce Payment' under A.R.S. Sec. 23-786, that is a class 3 misdemeanor (the lowest misdemeanor). Prison is not possible for a misdemeanor, however jail time is available. Jail time for a class 3 misdemeanor can range from 0-30 days (A.R.S. Sec. 13-707). Fines for a class 3 misdemeanor can range from \$0-500 (A.R.S. Sec. 13-802). The statute of limitations for a class 3 misdemeanor is 1 year. **Nebraska:** effective October 1, 2013, a person shall pay an additional penalty of 15% of the amount of overpaid benefits. **New Mexico:** now has a civil penalty for fraud in the amount of 25% of benefits improperly paid. There is also a civil fraud penalty for employers up to \$10,000. **Pennsylvania:** effective June 11, 2014, an individual shall pay an additional penalty of 10% of the amount of overpaid benefits caused by knowingly making a false statement or knowingly failing to provide material facts to obtain or increase benefits to which he/she was not entitled. **Rhode Island:** effective October 1, 2013, a person shall pay an additional penalty of 15% of the amount of overpaid benefits. **Vermont:** effective July 1, 2013, a person shall pay an additional penalty of 15% of the amount of the overpaid benefits.

3. **Alaska:** misdemeanor if an unsworn falsification or fraudulent act by an employer; and felony if perjury, theft, or forgery.
4. General penalty for violation of any provisions of law; no specific penalty for misrepresentation to prevent or reduce benefits.
5. Law provides for statute of limitations. **Arizona, New York:** two years. **Oregon:** Penalty weeks are not applicable to any period exceeding five years from the date of the disqualifying decision. **Pennsylvania:** claimants have four years from the benefit year ending (BYE) dates of their overpaid claims to serve their penalty weeks. Although claimants who have penalty weeks can file valid biweekly claims for benefits, they will not receive anything until they serve these weeks. Otherwise, the statute of limitations for serving penalty weeks must expire before this group of claimants can receive any benefits. **Virginia:** Disqualification in effect until fraudulent benefits have been paid for both of the above, prior to July 7, 2013. After July 7, 2013, disqualification remains in effect only for the 52 week period stated in determination. After the 52 week disqualification period ends, future benefits to which claimant is entitled may be used to offset overpaid benefits.
6. Before disqualification period ends, wage credits may have expired depending on disqualification imposed and/or end of BY. **Louisiana:** makes the disqualification applicable to the remainder of the benefit year after the commission of the fraudulent act and then continuing for the 52 weeks following the determination of the fraudulent act. No additional benefits will be paid until repayment has been made or the claim for repayment has prescribed. **Nevada:** all wage credits used in claim are restricted from interstate transfer. **Pennsylvania:** claimants who have fault UC or extended benefits (EB) overpayments face 100% recoupment of their benefits from any federal or state UC program until they repay the outstanding principal. These individuals also must pay interest on the outstanding principal. Otherwise, they cannot receive any benefits until the statute of limitations for recouping the outstanding principal expires. State law prohibits Pennsylvania from applying claimants' benefits towards the outstanding interest without their permission. **Tennessee:** in addition to disqualification, the claimant must refund the benefits fraudulently obtained plus 1.5% interest per month.
7. Misdemeanor. **California:** misdemeanor violation carries a penalty of \$1,000 or imprisonment of one year, or both, at discretion of court with other violations carrying a penalty of one year in prison, or a fine of up to \$20,000, or both at discretion of court. An additional penalty of 30% of overpayment is added to fraud overpayments. **Tennessee:** first offense is a class C misdemeanor which carries a penalty of up to 30 days in jail and a maximum fine of \$50. The second offense becomes a class E felony which carries a penalty of no less than 1 year in prison nor no more than 6 years in prison and a fine of up to \$3,000.
8. **Colorado:** benefits are denied if an individual's court trial for commission of a fraudulent act is prevented by the inability of the court to establish its jurisdiction over the individual. Such ineligibility begins with the discovery of the fraudulent act and continues until such time as the individual makes himself available to the court for trial.
9. **Connecticut:** class A misdemeanor if the amount in question is \$500 or less; Class D felony if more than \$500. Plus 1% interest per month, on unpaid balance, if individual is found in non-compliance with a mandatory repayment schedule. Penalty of 50% of the amount of the overpayment for the first offense and a penalty of 100% of the amount of overpayment for any subsequent offense. **Nevada:** up to 10 years indexed to felony theft statutes. **New Hampshire:** class A felony if the amount in question is \$1,000 or more; Class B felony if the amount exceeds \$500 but is less than \$1,000. **North Carolina:** class 1 misdemeanor.
10. **Idaho:** felony. In Idaho, the penalty for a first offense is 25% of the overpayment, 50% of the overpayment for a second offense, and 100% of the overpayment for a third offense.
11. **Hawaii:** misdemeanor if amount in question is \$300 or less; Class C felony if more than \$300.
12. Cancellation of all wage credits means period of disqualification will extend into 2nd BY, depending on amount of wage credits accumulated for such year before fraudulent claim.
13. **Iowa:** fraudulent practice. **Nebraska:** disqualified until overpayment repaid, for those with 2 willful or fraudulent

## FOOTNOTES FOR TABLE 30

overpayments (where wage credits were canceled) within 5 years from filing new claim.

14. **Kansas:** misdemeanor if less than \$500; felony if \$500 or more.
15. **Maine:** value is more than \$10,000 - Class B crime; value is more than \$1,000 but not more than \$10,000 - Class C crime; value is more than \$500 but not more than \$1,000 - Class D crime. **Montana:** 3-30 days under tax code, but if prosecuted under the criminal code, up to 6 months for a misdemeanor or 6 months to 10 years for a felony.
16. Misdemeanor if committed by individual; felony if committed by corporation.
17. **Ohio:** and 6 weeks work and 6 times amount necessary to establish qualifying week. Ineligibility for 2 valid weekly claims for benefits, claimed within 6 years of discovery date for each weekly claim canceled.
18. **Colorado:** plus 4 weeks delay for each fraud week.
19. **Pennsylvania:** the statute of limitations for recouping a fault UC or extended benefits (EB) overpayment is either six or ten years after the benefit year ending (BYE) date of the overpaid claim, depending on when the claim was opened. The six-year limitation applies if the Application for Benefits (AB) date is prior to June 12, 2012. If the AB date is June 17, 2012, or later, the statute of limitations for recouping fault UC or EB overpayments is 10 years after the BYE date of the overpaid claim.
20. **Puerto Rico:** penalty prescribed in Penal Code for larceny of amount involved.
21. **South Dakota:** class I misdemeanor if \$200 or less carries a penalty of up to 1 year in a county jail or a fine up to \$2,000, or both; Class 6 felony if over \$200 carries a penalty of up to 2 years in the state penitentiary or a fine up to \$4,000, or both. For fraud, a penalty of 50% of the overpaid amount for the first offense and 100% for the second offense.
22. **Utah:** 13 weeks for first week of fraud, plus 6 weeks for each additional week. No benefits paid until overpayment repaid, and as a civil penalty, an amount equal to the benefits fraudulently received.
23. **Wisconsin:** a forfeiture requires the claimant to be ineligible for a specific dollar amount of future unemployment benefits within 6 years of concealment determination.
24. **Michigan:** claimant must pay restitution of benefits plus penalty of 2 times benefits for amounts less than \$500 (4 times benefits for amounts less than \$500 for a repeat offense), and 4 times benefits for amounts that are \$500 or more.
25. **New Jersey:** greater of \$20 per offense or 25% of the amount fraudulently received.
26. **Minnesota:** guilty of theft and sentencing under state theft statutes, depending on amount of theft an individual may be fined 700 to \$20,000 imprisoned 90 days to 10 years, or both. Employers: fine for collusion is greater of \$500 or overpayment; preventing or reducing benefits to a claimant is a gross misdemeanor, or felony if the underpayment exceeds \$500.
27. **Georgia:** misdemeanor if one claim not exceeding \$4,000. Felony if more than one claim or claim exceeds \$4,000, plus 1-5 years imprisonment if convicted or fined not less than \$1,000, or both fine and imprisonment. A 15% penalty may be added to the overpayment for fraud cases. Authorizes interest collection of 1% per month on the unpaid balance of overpayments resulting from fraud. Any warrant for physical arrest must be preceded by a warrant application hearing before a judge of a superior, city, state or magistrate court, or any municipal officer clothed by law with the powers of a magistrate.
28. **North Dakota:** misdemeanor if less than \$500; Class C felony if more than \$500.
29. **California:** period of ineligibility is 5-15 weeks if claimant received benefits because of fraud. The Director may extend the period of ineligibility for an additional period not to exceed eight additional weeks for successive disqualification.
30. **Indiana:** additional civil penalties for fraud: 25% of the benefit overpayment for the first instance; 50% for the second instance; and 100% for the third and all subsequent instances. Criminal penalties for fraud: Class A misdemeanor if \$250 or less, misdemeanor fine is up to \$1,000 and imprisonment up to one year. Class D felony if over \$250 but less than \$2,500, felony fine is up to \$10,000 and imprisonment up to 3 years. Class C felony if greater than \$2,500, felony fine is up to \$10,000 and imprisonment for 2 through 8 years. In addition, interest accrues on unpaid fraud balance at a rate of 0.5% per month.
31. **Rhode Island:** \$1,000 or double the value of the fraud, whichever is greater.
32. **Utah:** class B misdemeanor if fraud is less than \$500, is punishable by a term of up to six months imprisonment and a fine of up to \$1,000 for persons or \$5,000 for businesses. Class A misdemeanor if fraud is between \$500 - \$1,500, is punishable by a term of up to one year imprisonment and a fine of up to \$2,500 for persons or \$10,000 for businesses. Third degree felony if fraud is between \$1,500 - \$5,000, is punishable by a term of up to five years imprisonment and a fine of up to \$5,000 for persons or \$20,000 for businesses. Second degree felony if fraud is more than \$5,000, is punishable by a term of 1-15 years imprisonment and a fine of up to \$10,000 for persons or \$20,000 for businesses.
33. **Maine:** if benefits were fraudulently obtained, there is a 50% penalty for the first offense, 75% for the second offense, and 100% for the third and subsequent offenses.
34. **Mississippi:** increase employers tax rate to maximum 5.4% for current year plus two succeeding years. In the event of fraud, a penalty of twenty percent (20%) of the amount of the overpayment shall be assessed. Three-fourths (3/4) of that twenty percent (20%) penalty shall be deposited into the unemployment trust fund and shall be used only for the purpose of payment of unemployment benefits. The remainder of that twenty percent (20%) penalty shall be deposited into the Special Employment Security Administrative Fund.
35. **Oklahoma:** second offense is W + 103 weeks.

## FOOTNOTES FOR TABLE 30

36. **Pennsylvania:** the penalties for committing fraud to obtain or increase benefits apply to claimants, while the penalties to prevent or reduce benefits apply to employers. Claimants who plead guilty to or are convicted of UC fraud must repay the outstanding principal, interest, court costs, and lien filing fees, if applicable. Employers face fines of up to \$1,500.00 per day or \$10,000.00 per offense.
37. **Minnesota:** amount fraudulently obtained must be repaid, with a monetary penalty of 40% of the amount fraudulently obtained.
38. **Missouri:** effective July 1, 2005, division can assess a penalty equal to 25% of the amount fraudulently obtained or denied; unless claimant or employer had committed fraud previously, in which case the division can assess a penalty equal to 100% of the amount fraudulently obtained or denied.
39. **Massachusetts:** for each week fraudulently claimed when not in unemployment a one-week compensable week disqualification must be served before the claimant can reestablish eligibility.
40. **Tennessee:** in cases of misrepresentation to obtain benefits in Tennessee, the first offense is a Class C misdemeanor and the second offense is a Class E felony.
41. **Idaho:** against employer for willful false statement or representation, or willfully failing to report a material fact when submitting a claimant's separation statement.
42. **Ohio:** if prosecuted under criminal code, up to 6 months and \$1,000 fine for a misdemeanor, or up to 10 years and \$20,000 fine for a felony. In the event of fraud, a penalty of 24% of the amount of the overpayment shall be assessed. The first 60% of each penalty collected shall be deposited into the unemployment compensation trust fund, and the remainder of each penalty collected shall be deposited into the unemployment compensation special administrative fund.
43. **Oregon:** an additional penalty of 15-30% is added to the fraud overpayment.
44. **Washington:** Column (2) 26 weeks for a first occurrence + 15% penalty of benefits overpaid; 52 weeks for a second occurrence + 25% penalty of benefits overpaid; and 104 weeks for third or more occurrences + 50% penalty of benefits overpaid. Column (4) and Column (6) - employers can receive both fine and imprisonment for willfully failing to collect, account for or pay taxes, or attempting to evade taxes, all situations that could result in preventing or reducing benefits. This is a gross misdemeanor for a fine of not more than \$5,000. In addition, a claimant or an employer may be subject to the misdemeanor penalty of \$20-\$250 or imprisonment. Column (7) - employers can receive both fine and imprisonment of not more than one year. In addition, an employer may also be subject to the misdemeanor imprisonment of up to 90 days in jail or a fine.
45. **Nevada:** 1 to 52 weeks or until all benefits received plus any penalties and interest is repaid, whichever is longer. Penalty includes provision of up to 50% of benefits received. The law imposes a mandatory 15% penalty on fraudulent overpayments, plus an additional 15-35% penalty imposed, depending on severity of offense.
46. **Indiana:** Column (3) the claimant forfeits any wage credits earned or any benefits or extended benefits that might otherwise be payable to the claimant for any week in which the failure to disclose or falsification caused benefits to be paid improperly.
47. **Illinois:** in addition to the duration disqualification, the offending individual must pay an administrative penalty equal to 15% of the amount of benefits fraudulently obtained.
48. **West Virginia:** the law imposes a penalty on UI recipients for obtaining benefits through the use of fraudulent statements or actions. Penalty amounts may not be used to offset future benefit payments to recipients.
49. **Delaware:** a monetary penalty is assessed on the amount of benefits received due to fraud. This monetary penalty applies to overpayments established on or after October 21, 2013.

# SPECIAL DISQUALIFICATIONS

Federal law requires all states to deny benefits, under prescribed circumstances, to certain aliens, professional athletes, and employees of educational institutions. Many states have special disqualification provisions in their

law for two additional categories of claimants: students, and individuals who leave work to marry, move with a spouse, or meet domestic obligations.

**TABLE 31 - SPECIAL DISQUALIFICATIONS**

## ALIENS

All  
States

Aliens must be denied benefits unless lawfully present in the United States either for the purpose of performing such services, or were admitted for permanent residence, or were residing in the United States under color of law at the time the services were performed. With respect to current eligibility, aliens must be in a satisfactory immigration status and have authorization to work.

Georgia: All claimants must provide a signed and notarized affidavit attesting they are (1) a United States citizen or a legal permanent resident or (2) a non-citizen legally present in the United States. Valid government-issued picture identification is required to complete the affidavit.

## PROFESSIONAL ATHLETES

All  
States

During the “off season” benefits must be denied with respect to services, “substantially all of which consists of participating in sports or athletic events or training or preparing to so participate, for any week (or similar periods) and there is a reasonable assurance that such individuals will perform such service in the latter of such seasons (or similar periods).”

## EMPLOYEES OF EDUCATIONAL INSTITUTIONS

All  
States

Benefits based on services performed for a school, including colleges and universities, may not be paid to any individual during the period between school terms, or during regular vacation or holiday periods, if the individual performed in instructional, research or principal administrative capacities during the first of such terms prior to the vacation, and has a contract or reasonable assurance of reemployment for the second term. Benefits based on services performed in other capacities may or may not be paid by a state to such individual according to state statute. Employees who are not instructional, research or principal employees of schools who were denied benefits between terms on this basis must be paid benefits retroactively if they were not offered an opportunity for work in the school for the forthcoming term.

Kansas: Includes school bus drivers not employed by governmental entities, nonprofit organizations, or Indian tribes between and within-terms.

Arizona: Includes school bus contractor employees who provide services to educational institutions.

California, Indiana & Wisconsin: Includes employees of nonprofit or public entity employers who provide services to or on behalf of an educational institution.

Florida: Denial of benefits during an established vacation period or holiday recess is based on services provided to an educational or higher learning institution. Denial of benefits within and between terms is applicable to services provided by an individual for an educational institution while in the employ of a private employer holding a contractual relationship with such educational institution, but only if the base period wages attributable to such services are identified as such in the employer’s quarterly wage report.

Georgia: Includes employees of educational institutions, whether the educational institutions are public, nonprofit, or private, including pre-K schools. Also disqualifies employees of public, nonprofit, or other private employer contractors who provide services to, for, with or on behalf of an educational institution; this includes school bus drivers, cafeteria workers, and security workers.

**TABLE 31 - SPECIAL DISQUALIFICATIONS**

Kentucky: Includes employees of educational service agencies, which are governmental agencies or governmental entities established and operated exclusively for the purpose of providing services to institutions of higher education or educational institutions.

Michigan: Includes period between academic years or terms for employees of third-party contractors providing workers to schools.

Minnesota: Includes employees of contractors with school districts, except food service vendors.

Alaska & Ohio: If an individual has base period employment with both educational and non-educational employers, he/she may be eligible for benefits during the between term, or vacation or holiday recess period if the employment performed for the non-educational employer is sufficient to qualify the individual for benefit rights without consideration of the base period educational employment.

### STUDENTS

All States	Exclude coverage of services for a school, college or university by a student enrolled and regularly attending classes therein.
All States Except Hawaii	Exclude from coverage services by a student (under age 22 in some states) enrolled at a nonprofit or public educational institution in a full-time work-study program, except a program established for an employer or group of employers.  (Texas: covers work-study at a state supported institution of higher education)
14 States:	Exclude from coverage services performed by a full-time student in the employ of an organized summer camp if the services meet certain criteria. (California, Illinois, Maine, Maryland, Massachusetts, Missouri, New York, North Carolina, Oregon, Pennsylvania, Puerto Rico, Tennessee, Texas, Vermont, Virginia)
16 States:	Disqualify individuals who voluntarily leave work to attend school. (Alaska <sup>12</sup> , Connecticut, Georgia, New Jersey, Maryland, Missouri <sup>12</sup> , Nebraska, Ohio, Oregon <sup>12</sup> , Pennsylvania <sup>12</sup> , Rhode Island, Texas, Utah <sup>12</sup> , Washington <sup>29</sup> , West Virginia, Wyoming)

Individuals disqualified while attending school in:

Alaska<sup>1,6</sup>, Arizona<sup>1,2</sup>, California<sup>1,23</sup>, Connecticut<sup>1</sup>, Georgia<sup>3</sup>, Idaho<sup>1</sup>, Illinois<sup>2</sup>, Iowa, Kansas<sup>1,2</sup>, Louisiana<sup>1,2,3</sup>, Michigan<sup>7</sup>, Minnesota<sup>9</sup>, Missouri<sup>4,7,20</sup>, Montana<sup>2,4</sup>, Nebraska<sup>1</sup>, New Jersey<sup>1,2</sup>, New Mexico<sup>10</sup>, New York<sup>5</sup>, North Carolina<sup>1,2</sup>, North Dakota<sup>1,8</sup>, Ohio<sup>1,20</sup>, Oregon<sup>3</sup>, Tennessee<sup>1</sup>, Utah<sup>1,2</sup>, Washington<sup>6</sup>, Wyoming<sup>11</sup>.

### ADDITIONAL SPECIAL DISQUALIFICATIONS

**Indiana:** An individual is not totally unemployed, part-totally unemployed, or partially unemployed for any week in which the department finds the individual; is on a vacation week; and has not received remuneration from the employer for that week, because of: a written contract between the employer and the employees; or the employer's regular vacation policy and practice. This applies only if the department finds that the individual has a reasonable assurance that the individual will have employment available with the employer after the vacation period ends.



## VOLUNTARILY LEAVING WORK TO MARRY, MOVE WITH SPOUSE OR MEET DOMESTIC OBLIGATIONS

State	Marry (M)/Move (MOV) Domestic Obligations (DO)	Disqualification (Benefits Denied Until)
Alaska	(M) <sup>22</sup> , (MOV) <sup>22</sup> , (DO) <sup>22</sup>	
Arizona	(M)	5 x WBA
Colorado	(M), (MOV) <sup>13</sup> , (DO)	X <sup>13</sup>
D.C.	MOV	
Georgia	(M), (MOV) <sup>19</sup> , (DO)	10 x WBA
Idaho	(M), (MOV), (DO)	14 x WBA
Maine	(MOV)	X <sup>14</sup>
Maryland	(MOV) <sup>24</sup>	15 x WBA
Massachusetts	(M), (MOV), (DO)	WBA in each of 8 weeks
Michigan	(M), (MOV) <sup>25</sup> , (DO)	12 x WBA to requalify
Mississippi	(M), (MOV) <sup>25</sup> , (DO)	8 x WBA
Missouri	(M), (MOV) <sup>27</sup> , (DO)	10 x WBA
Nebraska	(M), (MOV) <sup>28</sup> , (DO)	13 weeks and 13 x WBA
New Hampshire	(MOV), (DO)	
New Mexico	(M), (MOV) <sup>25</sup> , (DO)	5 x WBA
New York	(M)	5 x WBA
North Carolina	(MOV)	6 x WBA
Ohio	(M), (MOV), (DO)	\$60 or ½ AWW if less
Oklahoma	(MOV) <sup>21</sup>	X <sup>16</sup>
Pennsylvania	(M), (MOV) <sup>30</sup>	
Rhode Island <sup>3</sup>	(MOV) <sup>15</sup>	8 x WBA
South Carolina	(MOV) <sup>26</sup>	
South Dakota	(M), (MOV) <sup>25</sup> , (DO)	WBA earned in each of 6 weeks
Texas	(MOV) <sup>18</sup>	6-25 weeks and equivalent reduction to maximum benefit amount
Utah	(M), (MOV) <sup>25</sup>	6 x WBA
Virginia	(MOV) <sup>31</sup>	30 days or 240 hours of work
Washington	(MOV) <sup>17</sup> , (DO) <sup>17</sup>	
West Virginia	(M), (MOV), (DO)	30 days work
Wisconsin	(MOV)	X <sup>29</sup>
Wyoming	(M), (MOV), (DO)	8 x WBA

### FOOTNOTES FOR TABLE 31

1. For footnoted states, denial may not apply for wage credits earned while in school and claimant is available for suitable work.
2. Disqualification continues during vacation periods. Disqualification also continues for certain students employed in summer camps.
3. **Georgia, Louisiana:** if a claimant trainee quits last work because it was not suitable (skill level and wages less than 80% of adversely affected work), there is no disqualification if training was approved under the Trade Act of 1974 or Job Training Partnership Act of 1982. **Oregon:** except when enrolled in approved training or claimant establishes that school attendance does not limit his/her actively seeking and availability for suitable work. **Rhode Island:** effective July 1, 2014, 8 x WBA.
4. **Missouri, Montana:** not applicable to part-time students seeking work or available for recall from layoff.
5. **New York:** some part-time workers who attend elementary or secondary school (daytime) are excluded; however, exclusion does not apply to employees of Indian tribes and non-profit or governmental entities.
6. **Alaska:** denial applies to individuals enrolled in 10+ instruction hours per week, unless it can be shown that they have an established pattern of full time work and school and it they intend to continue this pattern, and became unemployed due to layoff or job elimination. **Washington:** denial applies to individuals enrolled for 12+ instruction



## FOOTNOTES FOR TABLE 31

hours per week, unless individual can prove that they are fully available for work. Denial does not apply to those enrolled in Commissioner Approved Training or State Training Benefits, or to individuals who left work voluntarily to enter an approved apprenticeship program.

7. **Michigan, Missouri:** student must be willing to quit school or change class schedule to accept suitable employment to be considered available for employment while a student. **Michigan:** eligibility and seeking work requirements are waived for a claimant successfully pursuing approved vocational training. **Missouri:** eligibility and seeking work requirements are waived for a claimant successfully pursuing approved training.
8. **North Dakota:** benefits allowed if training is vocational with a high demand for the occupation.
9. **Minnesota:** student must be willing to quit school to accept suitable work.
10. **New Mexico:** no payment of unemployment benefits to individuals attending school (other than individuals in an approved vocational training institution program) on a full-time basis unless it is demonstrated that the individual is able, available, and actively seeking full or part-time work..
11. **Wyoming:** allowed if attending during base period and seeking now or if less than 8 hours per week and willing to drop school for work.
12. **Alaska, Missouri, Pennsylvania, Utah:** exception if claimant is in TRA/TAA approved training. **Oregon:** unless school attendance is required by law.
13. **Colorado:** full award for quitting to accompany spouse to a new job outside of reasonable commuting distance. Claimants are eligible to qualify under the following circumstances, but are disqualified if the claimant doesn't meet the requirements under the statute: domestic violence, spouse's military transfer, relocation due to spouse's death in combat, change in location of spouse's employment outside of a reasonable commuting distance, and separation to care for a family member with an illness or disability. Disqualification results in a reduction of employer potential charges plus 10 week postponement if last employer.
14. **Maine:** "Spouse" means a person to whom the claimant is legally married, or a person to whom the claimant was legally married within 14 days of arrival at the new place of residence.
15. **Rhode Island:** disqualified if claimant voluntarily leaves to accompany, join or follow spouse to a new locality in connection with spouse's retirement.
16. **Oklahoma:** not disqualified, and not charged to employer.
17. **Washington:** (MOV) eligible if left work to relocate for spouse's or domestic partner's employment that is outside the local labor market. (DO) eligible if left work because of the illness, disability or death of an immediate family member. All reasonable alternative to quitting must be pursued, unless futile. Requires the claimant to: (1) terminate employment status; and (2) not be entitled to reinstatement to the same, comparable or a similar position.
18. **Texas:** (MOV) if claimant moves from area with military spouse with permanent change of station of longer than 120 days or a tour of duty longer than one year, then Texas approves benefits, as long as claimant is able/available/seeking suitable work.
19. **Georgia:** Trailing military spouse may quit without disqualification to relocate upon transfer of military member spouse to new duty station. Employer must be given that reason.
20. **Missouri:** except when enrolled in full-time training approved by the Director or in WIA dislocated worker training. **Ohio:** except when enrolled in full-time training approved by the Director.
21. **Oklahoma:** allowed if the spouse of the claimant was transferred or obtained employment in another city or state, and the family is required to move outside of commuting distance from the prior employment of the claimant.
22. **Alaska:** (M) a worker who quits to get married has left employment without good cause, since this can be accomplished without leaving work. However, a worker who quits to get married and accompany or join a spouse who has accepted work in another location has compelling reasons for leaving work. (MOV) the spouse has accepted new work, been transferred by his employer, or discharged by the military; it is impossible to commute to the new location; the move is in a timely manner in relation to leaving work. (DO) leaving work to care for an immediate family member due to illness or disability. Must pursue a leave of absences, unless futile.
23. **California:** UI benefits allowed if training is approved under the California Training Benefits (CTB) program and claimants meet all other eligibility requirements. Separately, UI benefits allowed while attending school or training when claimants state they are still available for full-time work and actively seeking full-time work.
24. **Maryland:** benefits will be postponed for 4 to 9 weeks if voluntarily leaving employment to follow a spouse: if the spouse (1) serves in the United States military, is a civilian employee of the military, or of a federal agency involved in military operations; and (2) the spouse's employer requires a mandatory transfer to a new location.
25. **New Jersey:** a claimant is not disqualified if they leave work to follow a military spouse who received permanent change of station orders, activation orders, or unit deployment orders. **Michigan, Mississippi, Utah:** a claimant is not disqualified if they leave work to follow a military spouse. **South Dakota:** does not disqualify individuals who quit a job to accompany their spouse who has been reassigned from one military base to another.
26. **South Carolina:** to move with a spouse if commuting distance would be greater than 50 miles.
27. **Missouri:** a claimant is not disqualified if due to the spouse's mandatory and permanent military change of station

## FOOTNOTES FOR TABLE 31

order, the claimant quit work to relocate with the spouse to a new residence from which it is impractical to commute to the place of employment and the claimant remained employed as long as was reasonable prior to the move.

28. **Nebraska:** the spouse has accepted new work, been transferred by his employer, or been assigned a new military duty station.
29. **Wisconsin:** does not disqualify if the claimant's quitting to move with a military spouse satisfies certain criteria.
30. **Pennsylvania:** (MOV) court precedent provides that a claimant is not disqualified if the spouse's decision to relocate was attributable to reasons beyond his/her control and there were economic circumstances beyond the claimant's control, such as insurmountable commuting distance to the new location.
31. **Virginia:** (MOV) trailing military spouse may quit without disqualification to relocate upon transfer of military member spouse to new duty station if the spouse is on active duty, the change in station orders is permanent, the location of the new duty station is not readily accessible from the individual's place of employment, and the spouse's new duty assignment is located in a state that does not find a person accompanying a military spouse to a new location as having left work voluntarily without good cause.

# APPEALS

Every state affords claimants and employers an opportunity for a fair hearing on adverse rulings. Only the District of Columbia, Hawaii, Minnesota, Nebraska and the Virgin Islands offer a single opportunity for an administrative hearing. All others provide for a second state appeals level, and all states provide for judicial review. About half the states have a 3-member board of review, board of appeals, or appeals board to hear cases appealed from the decision of the lower appeals authority. Usually they are appointed to represent labor, employers and the public. In the other half of the states, the second level appeals authority is an existing commission or agency head.

Since the Java decision issued by the Supreme Court in 1971 (*California Department of Human Resources Development v. Java*), once benefit rights have been allowed, if the claimant claims a week of benefits and is otherwise eligible to be paid, the claimant may not be denied payment for the week claimed unless there is a subsequent decision reversing the decision of eligibility. The Java decision also led to a U.S. Department of Labor standard requiring the prompt issuance of appeals decisions.

**TABLE 32 - TIME LIMITS FOR APPEALS**

State (1)	Number of Days for Filing after Mailing <sup>1</sup> (2)	First Stage Appeals (3)	Number of Days for Filing <sup>1</sup> (4)	Second Stage Appeals (5)	Number of Days for Filing after Mailing <sup>4</sup> (6)	Judicial Review <sup>6</sup> (7)
Alabama	15	Hearing Officer	15	Board of Appeals	10 + 30	Circuit Court
Alaska	30	Referee	30	Dept. of Labor	30 <sup>5</sup>	Superior Court
Arizona	30	Appeals Tribunal	30	Appeals Board	30 + 30	Court of Appeals
Arkansas	20	Hearing Officer	20	Board of Review	30	Court of Appeals
California	20	Admin. Law Judge	20	Appeals Board	6 months <sup>5</sup>	Superior Court
Colorado	20	Hearing Officer	20	Industrial Claims Appeals Office	20 + 20	Court of Appeals
Connecticut	21	Referee	21	Board of Review	30	Superior Court
Delaware	10	Referee	10	Appeal Board	10 + 10	Superior Court
D.C.	15	Admin Law Judge	10	X <sup>2</sup>	30 <sup>5</sup>	D.C. Court of Appeals
Florida	20	Referee	20	Appeals Comm.	30 <sup>5</sup>	District Court of Appeals
Georgia	15	Admin. Hearing Officer	15	Board of Review	15 + 15	Superior Court
Hawaii	10	Referee	X <sup>3</sup>	X <sup>2</sup>	30 <sup>5</sup>	Circuit Court
Idaho	14	Examiner	14	Industrial Commission	42	Supreme Court
Illinois	30	Admin. Law Judge	30	Board of Review	35	Circuit Court
Indiana	10	Admin. Law Judge	15	Review Board	30	Court of Appeals
Iowa	10	Admin. Law Judge	15	Appeal Board	20 + 10	District Court
Kansas	16	Appeals Referee	16	Board of Review	16	District Court
Kentucky	15	Referee	15	U.I. Commission	20 <sup>5</sup>	Circuit Court
Louisiana	15	Admin. Law Judge	15	Board of Review	15	District Court
Maine	15	Hearing Officer	15	U.I. Commission	10 + 30	Superior Court
Maryland	15	Examiner	15 <sup>14</sup>	Board of Appeals	30	Circuit Court
Massachusetts	10 <sup>13</sup>	Examiner	30	Board of Review	30	District Court
Michigan	30 <sup>3</sup>	Admin. Law Judge	30	Compensation Appellate Comm.	30	Circuit Court
Minnesota	20	Unemployment Law Judge		X <sup>2</sup>	30	Court of Appeals

**TABLE 32 - TIME LIMITS FOR APPEALS**

State (1)	Number of Days for Filing after Mailing <sup>1</sup> (2)	First Stage Appeals (3)	Number of Days for Filing <sup>1</sup> (4)	Second Stage Appeals (5)	Number of Days for Filing after Mailing <sup>4</sup> (6)	Judicial Review <sup>6</sup> (7)
Mississippi	14	Admin. Law Judge	14	Board of Review	10 + 10 <sup>11</sup>	Circuit Court
Missouri	30	Referee	30	Labor & Industrial Relations Comm.	10 + 20	Court of Appeals
Montana	10	Referee	10	Board of Labor Appeals	30	District Court
Nebraska	20	Hearing Officer	-	X <sup>2</sup>	30	District Court
Nevada	11	Appeals Tribunal	11	Board of Review	11 + 11	District Court
New Hampshire <sup>8</sup>	14	Appeals Tribunal	14	Appellate Board	30	Supreme Court
New Jersey	10	Examiner	10	Board of Review	45	Superior Court
New Mexico	15 <sup>5</sup>	Hearing Officer	15 <sup>5</sup>	Sec. of Department or Board of Review	15 <sup>5</sup>	District Court
New York	30	Referee (Admin. Law Judge)	20	Appeal Board	30	Appeal Div. Supreme Court
North Carolina <sup>9</sup>	30	Appeals Referee	10	Board of Review	30	Superior Court
North Dakota	12	Referee	12	Job Serv. Bureau	30	District Court
Ohio	21	Hearing Officer <sup>12</sup>	21 <sup>3</sup>	Review Commission	30	Court of Common Pleas
Oklahoma	10	Hearing Officer	10	Board of Review	30	District Court
Oregon	20	Admin. Law Judge	20	Emp. Appeals Bd.	30 <sup>5</sup>	Court of Appeals
Pennsylvania	15	Referee	15	Board of Review	30 <sup>10</sup>	Commonwealth Court
Puerto Rico	15	Referee	15	Sec. of Labor	30	Superior Court
Rhode Island	15	Referee	15	Board of Review	30	6th District Court
South Carolina	10	Admin. Hearing	10	Dept. Appellate Panel	30	Administrative Law Court
South Dakota	15	Admin. Law Judge	15	Sec. of Labor	30	Circuit Court
Tennessee	15	Hearing Officer	15 <sup>3</sup>	Office of Admin. Review	30	Chancery Court
Texas <sup>11</sup>	14	Hearing Officer	14	Workforce Commission	14 + 14	Justice of the Peace, County or District Court depending on the amount
Utah	15	Admin. Law Judge	30	Workforce Appeals Board	30	Court of Appeals
Vermont	30	Admin. Law Judge	30	E.S. Board	30	Supreme Court
Virginia	30	Examiner	30	Emp. Comm.	30	Circuit Court
Virgin Islands	10	Admin. Law Judge	-	<sup>2</sup>	30	Territorial Court of the Virgin Islands
Washington	30	Admin. Law Judge	30	E.S. Comm.	30	Superior Court
West Virginia	8	Admin. Law Judge	8	Board of Review	30 <sup>7</sup>	Circuit Court of Kanawha County
Wisconsin	14	Admin. Law Judge	21	Labor and Ind. Review Comm.	30	Circuit Court
Wyoming	15	Examiner	15	U.I. Comm.	30	District Court

## FOOTNOTES FOR TABLE 32

1. In most states, the period for filing an appeal may be extended for good cause or for reasons beyond the appellant's control. Only the time period extending from the mailing date is given here. It is usually the same or occasionally a shorter period than the time limit starting with the delivery date, which some states also provide.
2. State law provides only one administrative appeal.
3. Referee may reconsider decision in, **Hawaii**: within 30 days after service in absence of appeal for judicial review. **Michigan**: within 30 days after mailing. **Ohio**: within 21 days after mailing of a referee's decision or within 30 days after the mailing of board's decision, provided jurisdiction has not been removed to a higher authority. **Tennessee**: within 30 days of delivery or mailing if no appeal to the Office of Administrative Review.
4. Where **2** figures are shown, first figure is number of days after which decision is final and the time claimant has to exhaust actions before administrative appeal bodies; second figure is additional time allowed to seek judicial review.
5. **Alaska, Florida**: within 30 days after date of entry of decision. **California**: date of decision or date on which decision is designated a precedent decision, whichever is later. **District of Columbia**: after date decision has become final. **Hawaii, Kentucky**: after date of decision. **New Mexico**: appeals must be filed within fifteen calendar days after the date of notification or mailing of the determination. **Oregon**: after date decision is served.
6. In most cases the designated court will be in the county in which the claimant resides, but often the option is given to file in the county in which the business is located.
7. **West Virginia**: 20 days for an appeal from a labor dispute decision.
8. **New Hampshire**: second level of appeal is to the Commissioner—request for reopening Tribunal decision. This appeal must be filed within 14 calendar days. If request is denied, then appeal is to Appellate Board.
9. **North Carolina**: whenever a party is notified of an adjudicator's appeals referee's, or deputy commissioner's decision by mail, 3 days will be added to the time period to file an appeal.
10. **Pennsylvania**: the aggrieved party may file for reconsideration of a "second stage appeal" within 15 days from the mailing date of the second level decision. Such request will be granted only if the moving party has demonstrated good cause. Reconsideration time period runs concurrently with the 30 day filing period for appeal to the Commonwealth Court.
11. **Texas**: employers have up to 30 days after notification to protest chargebacks. **Mississippi**: the Board of Review decision becomes final within 10 days after notification and thereafter the aggrieved party had additional 10 days to file with the Circuit court.
12. **Ohio**: first level of appeal to an initial determination is in-house Redetermination level. If the Redetermination Unit does not rule on the appeal within twenty-one days after receipt by ODJFS, the appeal automatically advances to the Unemployment Compensation Review Commission.
13. **Massachusetts**: Limited Proficient claimants have 60 days to file an initial appeal.
14. **Maryland**: no good cause for late appeal to the Board of Appeals.

# WORK SEARCH REQUIREMENTS

From the beginning of the Federal/State unemployment insurance program in 1935, work search requirements have been included among the conditions that an individual must meet to receive unemployment compensation for a week or weeks.

The manual of state employment security legislation published in 1950 by the U.S. Department of Labor makes the point that unlike other types of social insurance programs, claimants must be registered for work and it is the claimant's affirmative responsibility to participate in the labor force and remain in the labor force as a condition of being paid unemployment compensation. This fundamental tenet of the program is reflected in every state unemployment compensation law in some way.

The work search requirement is administered in conjunction with the requirement that an individual be available for and accept suitable work as defined in the state unemployment insurance law. Congress addressed circumstances under which individuals may not be

required to accept an offer of work in Section 3304(a) (5) of the Internal Revenue Code in requiring that state laws provide that unemployment compensation shall not be denied to any otherwise eligible individual for refusing to accept new work 1) if the position offered is vacant due directly to a strike, lockout, or other labor dispute; 2) if the wages, hours, or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality; or 3) if as a condition of being employed the individual would be required to join a company union or to resign from or refrain from joining any bona fide labor organization.

In 2012, Congress enacted a new federal statutory requirement that claimants must be able to work, available to work, and actively seeking work as a condition of being eligible for a week of unemployment compensation. The table below reviews the principal features of state work search laws.

**Table 33 - WORK SEARCH REQUIREMENTS**

State (1)	Who is required to search for work? (2)	For what must claimants search? (3)	How may the search be undertaken? (4)	Where may the search be made? (5)	Claimant methods for work search? (6)	How often per week must contact be made? (7)	Does contacts per week change? Why? (8)
	A = All claimants or E = Exceptions	FT = Full PT = Part S = Suitable O = Other	SE = Same Employer UH = Hiring or Union Hall SC = Staffing Company IE = Individual Employer O = Other	LA = Local area where claimant resides A = Any area claimant chooses O = Other	IP = In Person T = Telephone I = Internet F = Fax	Once Twice Three Four O = Other	D = UI duration T = Type of Work U = UI Rate L = Local Labor Market Review R = Likely Return to Work O = Other NA = Not applicable
Alabama	A	FT,S	SE,UH,SC,IE	LA,O	IP,T,I	O	D,R,O
Alaska	E <sup>1</sup>	FT,S	UH,SC <sup>1</sup> ,IE	LA,O <sup>1</sup>	IP,T,I,F	O <sup>1</sup>	L <sup>1</sup> ,R <sup>1</sup>
Arizona	A,E <sup>42</sup>	FT	SE,UH,SC,IE,O	LA,A,O	IP,I,F	Four	D <sup>42</sup>
Arkansas	A,E <sup>3</sup>	S	UH,SC,IE	A	IP,T,I,F	O <sup>2</sup>	L
California	E <sup>3</sup>	FT,S <sup>3</sup>	O <sup>3</sup>	A	IP,T,I,F	O <sup>3</sup>	NA
Colorado	E <sup>4</sup>	FT,PT,S	SE,UH,SC,IE	LA,A	IP,T,I,F	O <sup>2</sup>	L
Connecticut	E <sup>5</sup>	FT,O <sup>5</sup>	SE,UH,SC,IE	LA,A	IP,T,I,F	Three	NA
Delaware	E <sup>6</sup>	O <sup>6</sup>	SE,UH,SC,IE	LA,A	IP,T,I,F	One	O <sup>6</sup>
D.C.	A	FT,PT,S	UH,SC,IE,O <sup>7</sup>	LA,A,O	IP,T,I,F	Twice	No change
Florida	E	O <sup>8</sup>	SE,UH,SC,IE,O	LA,A <sup>8</sup>	IP,T,I,F	O <sup>8</sup>	R
Georgia	E <sup>9</sup>	O <sup>9</sup>	SE,UH,SC,IE,O <sup>9</sup>	LA,A	IP,T,I,F	O <sup>9</sup>	O <sup>9</sup>
Hawaii	E <sup>10</sup>	FT,PT,S	SE,UH,SC,IE	LA,A	IP,T,I,F	Three	No change
Idaho	E <sup>11</sup>	-	SE,UH,SC,IE	LA,A	IP,T,I,F	Twice	No change
Illinois	E	FT <sup>12</sup>	SE,UH,SC,IE	LA,A	IP,T,I,F	O <sup>12</sup>	D,L,R,O <sup>12</sup>
Indiana	E <sup>13</sup>	FT	UH,SC,IE	A	IP,T,I,F	Three	No change
Iowa	E <sup>43</sup>	S <sup>43</sup>	UH,SC,IE	LA,A	IP,T,I,F	Twice	D,T,L

**Table 33 - WORK SEARCH REQUIREMENTS**

State	Who is required to search for work?	For what must claimants search?	How may the search be undertaken?	Where may the search be made?	Claimant methods for work search?	How often per week must contact be made?	Does contacts per week change? Why?
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
	A = All claimants or E = Exceptions	FT = Full PT = Part S = Suitable O = Other	SE = Same Employer UH = Hiring or Union Hall SC = Staffing Company IE = Individual Employer O = Other	LA = Local area where claimant resides A = Any area claimant chooses O = Other	IP = In Person T = Telephone I = Internet F = Fax	Once Twice Three Four O = Other	D = UI duration T = Type of Work U = UI Rate L = Local Labor Market Review R = Likely Return to Work O = Other NA = Not applicable
Kansas	E <sup>47</sup>	S	SE,UH,SC,IE	LA,A	IP,T,I,F	Once	No change
Kentucky	E <sup>41</sup>	S	SE,UH,SC,IE	A	IP,T,I,F	Once <sup>41</sup>	O <sup>41</sup>
Louisiana	E <sup>14</sup>	FT,PT <sup>14</sup> , S	SE,UH,SC,IE	LA,A	IP,T,I,F <sup>14</sup>	Three	No change
Maine	E <sup>15</sup>	O <sup>15</sup>	O <sup>15</sup>	O <sup>15</sup>	IP,T,I,F <sup>15</sup>	O <sup>15</sup>	D <sup>15</sup>
Maryland	E <sup>46</sup>	FT,PT <sup>46</sup> ,S	UH,SC,IE	LA,A	IP,T,I,F	Twice	No change
Massachusetts	A	S	SE,UH,SC,IE	LA,A	IP,T,I,F	Three	No change
Michigan	E <sup>16</sup>	FT	SE,UH,SC,IE	LA,A	IP,T,I,F	O <sup>16</sup>	No change
Minnesota	A	S	UH,IE	LA	IP,T,I,F	O	T
Mississippi	E <sup>17</sup>	FT,S	UH,SC,IE,O <sup>17</sup>	LA,A	IP,T,I,F	Three <sup>17</sup>	No change
Missouri	E <sup>18</sup>	FT,S	SE,UH,SC,IE	LA,A	IP,T,I,F	O <sup>18</sup>	No change
Montana	E <sup>19</sup>	FT,PT,S	UH,IE	LA,A	IP,T,I,F	Once	No change
Nebraska	A	S <sup>48</sup>	SE,UH,SC,IE,O	LA,A	IP,T,I,F	Twice	D
Nevada	E <sup>20</sup>	FT,PT,S	UH,SC,IE	LA,A,O <sup>20</sup>	IP,T,I,F	O <sup>20</sup>	No change
New Hampshire	E <sup>21</sup>	FT,PT,S <sup>21</sup>	SE,UH,SC,IE	LA,A	IP,T,I,F	O <sup>21</sup>	D,T,L,R
New Jersey	E <sup>39</sup>	FT	UH,SC,IE,O	A	IP,T,I,F	Three	No change
New Mexico	E <sup>22</sup>	FT,PT,S	UH,SC,IE	LA,A	IP,T,I,F	Twice	No change
New York	E <sup>23</sup>	FT <sup>23</sup> , PT <sup>23</sup> ,S <sup>23</sup>	UH,SC,IE,O <sup>23</sup>	A,O <sup>23</sup>	IP,T,I,F <sup>23</sup>	O <sup>23</sup>	No change
North Carolina	A	FT,S	SE	LA	IP,T,I,F	Twice	-
North Dakota	E <sup>24</sup>	FT,PT,S,O <sup>24</sup>	SE,UH,SC,IE	LA,A	IP,T,I,F	O <sup>24</sup>	T,L
Ohio	E <sup>25</sup>	S	SE,UH,SC,IE,O <sup>25</sup>	LA,A	IP,T,I,F	O <sup>25</sup>	No change
Oklahoma	E <sup>26</sup>	FT <sup>26</sup> ,PT <sup>26</sup>	SE,UH,SC,IE	A	IP,T,I,F	Twice	No change
Oregon	E <sup>27</sup>	FT,PT,S	SE,UH,SC,IE	LA,A	IP,T,I,F	O <sup>27</sup>	D,T
Pennsylvania	E <sup>28</sup>	FT,PT,S	UH,SC,IE	LA,A	IP,T,I,F <sup>28</sup>	Three <sup>28</sup>	No change
Puerto Rico	E <sup>29</sup>	S	SC,IE	LA	IP,T,I,F	Three	No change
Rhode Island	E <sup>30</sup>	FT	UH,SC,IE	LA	IP,T,I,F	Three	NA
South Carolina	E <sup>31</sup>	FT,PT <sup>31</sup> ,S	UH,SC,IE	LA,A	IP,T,I,F	O <sup>31</sup>	No change
South Dakota	E <sup>40</sup>	O <sup>40</sup>	IE	LA,A	O <sup>40</sup>	O <sup>40</sup>	D
Tennessee	E <sup>32</sup>	FT,PT,S <sup>32</sup>	UH <sup>32</sup> ,SC <sup>32</sup> ,IE <sup>32</sup>	LA,A <sup>32</sup>	IP,T,I,F	Twice,O <sup>32</sup>	U,O <sup>32</sup>
Texas	E <sup>33</sup>	FT,S	UH,SC,IE,O <sup>33</sup>	LA,A	IP,T,I,F,O	O <sup>33</sup>	L
Utah	E <sup>34</sup>	FT,S	IE,UH	A	IP,T,I,F	Four	O <sup>34</sup>
Vermont	E <sup>35</sup>	FT,PT,S <sup>35</sup>	UH,SC,IE	LA,A	IP,I,F	Three	No change
Virginia	E <sup>44</sup>	FT	IE,UH	A	IP,T,I,F	Twice	O <sup>34</sup>
Virgin Islands	E	FT,PT,S,O	SE,SC,IE	LA,A	IP,F	Three	No change
Washington	E <sup>36</sup>	FT,PT,S	SE,UH,SC,IE,O <sup>36</sup>	LA,A	IP,T,I,F	Three,O <sup>36</sup>	D,R,O
West Virginia	A	FT,S	UH,SC,IE	LA,A	IP,T,I,F	Twice	No change
Wisconsin	E <sup>37</sup>	S	UH,SC,IE	LA,A	IP,T,I,F	Four,O <sup>37</sup>	No change
Wyoming	E <sup>38</sup>	S	UH,SC,IE	LA,A	IP,T,I,F	Twice	No change



**Table 33 - WORK SEARCH VERIFICATION & PENALTIES**

State (1)	VERIFICATION		PENALTIES	NO PENALTY
	How is work search documented?  C = Conversation w/ claimant written or e-doc W = Written doc from claimant E = Electronic record from claimant O = Other	How is work search verified?  W = Written verification from contacts OR = Orally from contacts E = E-records from contacts A = Claimant self attestation N = None required O = Other	Penalty for failure to search for work?  W = Warning D = Denial of week(s) R = Reduction of Benefits DQ = Disqualification for multiple weeks O = Other	Circumstances claimant may refuse offer of work without penalty?  NS = Work is not suitable as defined by state law D = Work doesn't meet new work standards set by federal law NBF = Work is not a bona fide offer of work O = Other
(1)	(9)	(10)	(11)	(12)
Alabama	C,E,O	OR,E,A,N	D,O	NS,NBF,O
Alaska	C,W,E	W,OR,A,O	D	NS,NBF
Arizona	C,W,E	W,OR,A,E,O	DQ <sup>42</sup>	NS,D,NBF
Arkansas	C,W	W,OR,E,A	W,D	NS,NBF
California	O <sup>3</sup>	A <sup>3</sup>	D	NS,D,NBF,O <sup>3</sup>
Colorado	C,W,E	A,W,OR,E	W,D	NS,D,NBF
Connecticut	W	O	D	NS,NBF
Delaware	W,E	N <sup>6</sup>	W,D	NS,NBF
D.C.	W,E	W,OR,A,E	D	NS,NBF
Florida	C,W,E	A,O	D	NS,NBF
Georgia	W,E	W,OR,E,A,O <sup>9</sup>	W,O <sup>9</sup>	NS,NBF
Hawaii	W,O	W,OR,E	W,D	NS,D,NBF
Idaho	W,E	OR,A,N	D	NS,D,NBF,O <sup>11</sup>
Illinois	W <sup>12</sup>	A,O <sup>12</sup>	D	D,NBF,O <sup>12</sup>
Indiana	W,E	W,OR,E	D	NS,D,NBF,O <sup>13</sup>
Iowa	W,O <sup>43</sup>	W,OR,E,A	W,D	NS,NBF
Kansas	W	W,O	D	NS,NBF
Kentucky	W,E	A,O <sup>41</sup>	D	NS,D,NBF
Louisiana	W,E	OR,A	D	NS,NBF
Maine	W	W,O	W,D <sup>15</sup>	NS
Maryland	C,W,E	OR,E,O <sup>46</sup>	W,D	NS,D,NBF
Massachusetts	W	A,O <sup>45</sup>	D	NS,D,NBF
Michigan	W,E <sup>16</sup>	OR,A <sup>16</sup>	D	NS,D,NBF,O <sup>16</sup>
Minnesota	W,E	N	W,D	NS,O
Mississippi	E	W,OR,E	D <sup>17</sup>	NS,D,NBF,O <sup>17</sup>
Missouri	C,W,E	W,OR,E,A	W,D	NS,NBF
Montana	C,W,E	O <sup>19</sup>	D	NS,D,NBF
Nebraska	E <sup>48</sup>	OR,A <sup>48</sup>	D	NS,D,NBF
Nevada	E,W	OR,A,N	W <sup>20</sup> ,D	NS,NBF,O <sup>20</sup>
New Hampshire	C,W	W,OR,E	W <sup>21</sup> ,D	NS,NBF
New Jersey	C,W	N	D	NS,D,NBF
New Mexico	W,E	W,OR,E	D <sup>22</sup>	NS,NBF
New York	W	W,OR,E,A	W,D	NS,D,NBF,O <sup>23</sup>
North Carolina	W	W	D	NS
North Dakota	E	W,OR,E,O <sup>24</sup>	D	NS,NBF
Ohio	C,W,E,O	W,OR,E,A	D	NS,D,NBF,O <sup>25</sup>
Oklahoma	W,E <sup>26</sup>	W,OR,E,A	D	NS,NBF
Oregon	C,W,E	W,OR,E <sup>27</sup>	W,D,DQ	NS,D,NBF
Pennsylvania	W,E	W,OR	W,D	NS,NBF <sup>28</sup>
Puerto Rico	W	A	D	NS

**Table 33 - WORK SEARCH VERIFICATION & PENALTIES**

	VERIFICATION		PENALTIES	NO PENALTY
	How is work search documented?	How is work search verified?	Penalty for failure to search for work?	Circumstances claimant may refuse offer of work without penalty?
	C = Conversation w/ claimant written or e-doc W = Written doc from claimant E = Electronic record from claimant O = Other	W = Written verification from contacts OR = Orally from contacts E = E-records from contacts A = Claimant self attestation N = None required O = Other	W = Warning D = Denial of week(s) R = Reduction of Benefits DQ = Disqualification for multiple weeks O = Other	NS = Work is not suitable as defined by state law D = Work doesn't meet new work standards set by federal law NBF = Work is not a bona fide offer of work O = Other
State (1)	(9)	(10)	(11)	(12)
Rhode Island	W	A	D	NS,NBF
South Carolina	W	A	W,D	NS,D,NBF
South Dakota	W,E	W,OR,O <sup>40</sup>	D,DQ	NS,D,NBF
Tennessee	W <sup>32</sup>	W,OR,O <sup>32</sup>	D,O <sup>32</sup>	NS,D,NBF
Texas	C,W,E	W,OR,E,A	D <sup>33</sup>	NS,NBF
Utah	C,W,E	W,OR,E,A	W,D	NS,D,NBF
Vermont	C,W,E	W,OR,E,A	W,D <sup>35</sup>	NS,D,NBF
Virginia	C,W,E	W,OR	D	NS,NBF,O <sup>44</sup>
Virgin Islands	W	W	D,DQ	NS,NBF
Washington	W,E	W,OR,E,A	D, DQ <sup>35</sup>	NS,O <sup>36</sup>
West Virginia	C,W,E	W,OR,E	D,DQ	NS,NBF
Wisconsin	C,W,E	W,OR,E,A	D,DQ <sup>37</sup>	NS,D,NBF
Wyoming	C,W	W,OR	D	NS,NBF

## FOOTNOTES FOR TABLE 33

1. **Alaska:** Column (2) - no work search is required if claimant is a member in good standing with a dispatching Union and on the out of work list, on approved waiver, or has a return to work date within 45 days of the initial claim. (Column (7) - claimants living within 55 road miles are required to report work search contact per week. If traveling in search of work, the search needs to be in the area of travel, with a minimum of two in-person work searches per week. Column (10) - no verification of work search is normally required for regular UI, but if a claim is audited, work search is verified through telephonic contact with the employer.
2. **Arkansas, Colorado:** depends on the size of the labor market.
3. **Arkansas:** Column(2) - exceptions to work search include claimants: that have their hours of work reduced from full to part time and the employer has promised the claimant to return to full time work within ten weeks of the reduction to part time; that have their hours of work reduced from full to part time and works at least eight hours for the employer during the week claimed; that has a written definite promise of employment to begin within ten weeks of the receipt of the promise of employment; that is on short-time lay off with a recall date within ten weeks of the date of lay off; that is participating in Work Share; or that is in approved training. The Director may also reduce or eliminate work search requirements if warranted by labor market conditions. **California:** Column (2) - generally, UI claimants are required to actively search for full-time suitable work. The work search exceptions include: (1) partial claim participants, (2) California Training Benefits (CTB) program participants, (3) Work Sharing program participants, (4) Union apprenticeship training participants, (5) Trade Adjustment Assistance (TAA) program participants in approved training, (6) Trade dispute participants, (7) Non-professional school employees and State Special School Benefits (SSSB) employees, (8) definite job promise within a reasonable time, (9) temporary lay off due to inclement weather. Column (3) - if UI claim is based on part-time employment, then claimant is required to actively search for part-time, suitable work. Part-time employment is defined as more than 50% of total weeks worked during base period were part-time. Suitable work is defined as work in the individual's usual occupation or for which he is reasonably fitted. Column (4) - a claimant must conduct a reasonable effort to search for suitable work. The following is a list of reasonable efforts to search for suitable work: (1) register with EDD Workforce Services, CALJOBS, (2) respond to want ads in the newspaper, (3) internet access employer websites, resume building and work search, (4) contact prior employers, (5) tell friends and relatives or other networking, (6) checking trade books, (7) sending resumes, (8) registering with placement facilities of a school, college, university, or professional organization (such as temporary staffing agencies), or (9) directly contacting other employers. Column (7) - no specific provision that dictates how many contacts must be made per week, but claimant must conduct a reasonable effort to search for suitable work. Generally, the facts

## FOOTNOTES FOR TABLE 33

and circumstances in each case are considered in determining whether a claimant has made a reasonable effort to search for suitable work. Column (9) - claimant is responsible to answer a work search questionnaire on the Bi-weekly Continued Claim Form. Column (10) - by answering and signing the Continued Claim Form, the claimant declares under penalty or perjury, that the information he/she provided is true and correct and is subject to penalties if the claimant makes false statements or withholds facts. Column (12) - California has a "good cause" provision allowing claimants to refuse work without penalty. "Good cause" means a compelling reason, one which would influence a prudent person in the same circumstances as the claimant, and who is genuinely desirous of working, to impose the restriction. A finding of good cause depends on a determination that the claimant had no reasonable alternative for discharging the obligation that led the claimant to place the restriction on his or her availability.

4. **Colorado:** no work search required if union, job attached or in approved training.
5. **Connecticut:** Column (2) - claimants who have a return to work date within two weeks are not required to search for work. Claimants in approved training are exempt from making a work search. Column (3) - only part-time work search for claimants with physical or mental impairments.
6. **Delaware:** Column (2) - all claimants except those with a recall date and union members may use a hiring hall. Column (3) - type of work based on established work history. Column (8) - for extended benefits (EB) claimants only. Column (10) - no verification except for QC cases and EB claims. For EUC, a weekly random audit of work search logs is conducted.
7. **District of Columbia:** Column (4) -work search may be undertaken by any means.
8. **Florida:** Column (2) - claimants in approved training are exempt from making a work search. Column (3) - work that is reasonable for the claimant considering his or her background, training, abilities and duration of unemployment. Column (5) - any area if claimant is willing to accept suitable work. Column (7) - the law requires five job contacts with prospective employers for work except those residing in counties with 75,000 or less people who must contact at least three employers. In lieu of making job contacts the individual may report to the one-stop career center to meet with a representative and access reemployment services. Column (8) - claimants on a temporary layoff of not greater than 8 weeks are not required to seek new work. Column (10) - claimant work search reports are subject to random audits. A claimant's proof of work search may not include the same prospective employer at the same location in 3 consecutive unless the employer has indicated since the time of the initial contact that the employer is hiring.
9. **Georgia:** Column (2) - the following claimants are exempt from job search requirements: (1) persons enrolled in school, attending full time classes and have been approved for the Georgia Department of Labor Claimant Trainee Program, (2) persons with a definite recall date within six weeks from the date of job separation, (3) persons who obtain employment from a Union must maintain contact with their Union Hall, but are not required to search with other employers, and (4) persons who are still attached to their employer, and for whom the employer is filing partial claims for six consecutive weeks. Column (3) - if the majority of the claimant's base period work was full-time, then full-time work search is required. If the majority of the claimant's base period work was part-time, the part-time work search is required. Column (4) - if receiving partial UI or definite recall date, then same employer; if union member and union employer, then may restrict to union hall; if receiving UI from temporary staffing agency, must maintain contact with agency and may contact other employers; and individual employers. Column (7) - EB recipients must make a minimum of three new employer contacts per week. All other claimants are required to make multiple contacts per week, but not specified number in law. Column (10) - employers who list employment opportunities with the Georgia Department of Labor are sent follow up requests by the department. Employers provide feedback, including notice that the persons referred (including claimants) reported or did not report after receiving a job referral. Column (11) - a statement from the claimant is obtained. In the event that the claimant was unaware of the requirement or was making contacts and simply failed to notate all the contacts, a follow-up eligibility review will be conducted. If the claimant failed to make required contacts due to an availability issue, a benefits eligibility review is scheduled and statements will be taken to determine if a disqualification is in order.
10. **Hawaii:** Column (2) - exceptions include partials and medical waiver.
11. **Idaho:** Column (12) - a claimant may refuse an offer of work without penalty for "good cause".
12. **Illinois:** Column (3) - exceptions by regulation. Column (7) - a "reasonable effort" is the standard claimants are held to regarding number of contacts per week. Column (9) and (10) - must produce written record on request. Column (12) - a claimant may refuse an offer of work without penalty for "good cause".
13. **Indiana:** Column (2) - exceptions to work search requirement include: (1) laid off union workers, (2) nonunion workers can obtain a sixty (60) day work search waiver, (3) an individual in agency-approved training, and (4) individuals on jury duty. Column (12) - there can be a refusal for good cause.
14. **Louisiana:** Column (2) - exceptions to work search requirement include: (1) persons on temporary layoff with a definite date of return to work (within 6 weeks), (2) Head Start workers who are between terms and expect to return to work during the next school term, (3) persons working part-time, as long as they hold themselves available for full-time work with the part-time employer, and persons attending school or a training program and have been exempt from work search requirements by the administrator. Column (3) - part-time work search only if worked part-time during base period of claim and has separated from such employment. Column (6) - mail and e-mail.

## FOOTNOTES FOR TABLE 33

15. **Maine:** Column (2) - exceptions to work search requirement include claimants with a definite return to work (within 6 weeks) and those in “approved training”. Column (3) - claimants must seek work comparable to the number of hours worked for a majority of their base period. Column (4) and (6) - work search must be undertaken through all methods typical for the industry. This may include some or all of the options as well as registration with the Department’s job bank and online job sites. Column (5) - typically work search is required to be within “usual commuting distance”, but the longer the individual remains unemployed, the greater the distance the individual is expected to look for work. Column (7) - state law does not require a specific number, but looks at effectiveness of work search strategy. Column (8) - work search expands the longer the duration. Column (11) - usually starts with a request to expand work search if the work search made is inadequate. No work search results in denial for the week.
16. **Michigan:** Column (2) - exceptions to work search requirement include claimants: (1) in approved vocational training, (2) whose employer requests waiver, (3) who expect to return to work within 15 days, or (4) when the state unemployment rate equals or exceeds 8.5%. Column (7) - A claimant is expected to follow a course of work search that is reasonably designed to result in his or her prompt re-employment. A claimant must engage in a systematic and sustained work search, evidenced by an on-line report, or a faxed or mailed report, or an in-person report, in each case indicate name and location of employer, and date and method of work search. Column (9) An electronic record may only be used by the claimant to document an EB work search. Beginning in 2013, an electronic record may be used to document work search under any benefit program. Column (10) - No verification of work search is normally required for regular UI, but if a claim is audited, work search is verified through claimant self-attestation and oral (telephonic) contact with the employer. Column (12) - A claimant can also avoid disqualification for refusing an offer of suitable work if the claimant has good cause for the refusal. A job is suitable as to wages if it pays at least 70% of the claimant’s previous gross pay, but work is suitable as to wages if the claimant has received at least half the benefits on a claim, if the job pays at least the state minimum wage, pays at least the prevailing average wage in the locality, and pays at least 120% of the claimant’s weekly benefit amount, regardless of whether the claimant has prior experience or training in the job.
17. **Mississippi:** Column (2) - exceptions to work search requirement include claimants: (1) temporarily laid off for less than 4 weeks, (2) in agency approved training, and (3) who have a specific return to work date within 4 weeks. Column (4) - work search through local WIN Job system. Column (7) - Mississippi required three contacts, one of which must include an application being submitted. Column (11) - another penalty for failure to search for work is termination of claim. A positive drug test result shall be deemed by the department to be a failure to accept suitable work, and shall subject the applicant to the disqualification provisions. Column (12) - legislation was passed to implement a Self-Employment Assistance Program where eligible individuals do not have to meet the requirements relating to availability for work, active search for work, and refusal to accept work while engaged in establishment of a business.
18. **Missouri:** Column (2) - exceptions to work search requirement include claimants: (1) with a recall date within eight weeks from the last day worked or the recall date can extend to 16 weeks with Director approval, and (2) attending Director approved training. Column (7) - two or three contacts, depending on the size of the labor market in the county of residence, or one contact if claimant is a member of a union with a hiring hall..
19. **Montana:** Column (2) - exceptions to work search requirement include claimants: (1) in a union, and (2) attached to a job. Column (10) - agency will conduct verifications of work search contacts, job attachment and union attachment.
20. **Nevada:** Column (2) - exceptions to work search requirement include claimants: (1) have a return to work date within four weeks, (2) in an approved training program, or (3) in a continuous filing status and becomes injured or disabled, then work search is waived until they can work again or refuse a job, (4) assigned to jury duty and the hours preclude the claimant from seeking work, or (5) a death in the immediate family (grandparents through grandchildren, and includes brothers and sisters of spouse. Column (5) - work search area is expanded the longer an individual is unemployed (could expand outside local job market). Column (7) - the state law does not have a set number of contacts, but claimants are advised to make three to five contacts per week. Column (11) - a warning is given after the first instance of not seeking work. Column (12) - claimant can establish “good cause” for refusing an offer of suitable work.
21. **New Hampshire:** Column (2) - exceptions to work search requirement include claimants: (1) who have a definite return to work date within 27 calendar days of last day of work or (2) who seek work solely through union hiring hall. Column (3) - suitable work may be part-time or full-time depending on base period earnings. Column (7) - contacts per week must be made “according to what a reasonable and prudent person would do.” Column (11) - a warning is given as a 1st offense for poor work search.
22. **New Mexico:** Column (2) - exceptions to work search requirement include claimants: (1) in approved training, (2) who are union members, and (3) who have a definite return to work date within 4 weeks.
23. **New York:** Column (2) - exceptions to work search requirement include claimants: (1) that are active members of a union and search for work at the union hiring hall, (2) who are attending a Department of Labor approved training course/program, (3) who have been approved for the Self Employment Assistance Program and are starting their own business, (4) in a Shared Work program (short time compensation), (5) serving jury duty, (6) who have a definite return to work date within 2 weeks, (7) observing certain religious holidays, and (7) attending weekend armed forces reserve meetings. Column (3) - full-time claimants must look for full-time work; part-time claimants are only required to seek part-time work; all claimants must look for suitable work, meaning work they are reasonably fitted by training and/

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or experience. After 13 full weeks of benefits, suitable work also includes any work that a claimant is capable of performing whether or not they have experience or training in such work. Column (4) - additional work search options include One-Stop Career Center, newspaper ads, resume posting services, trade publications, and Yellow pages to identify employers. Column (5) - claimants must be willing to travel a reasonable distance to obtain employment (general rule: one hour by private transportation and 1.5 hours by public transportation). Column (6) - mail. Column (7) - the state law does not have a set number of contacts, but the number must be reasonable as determined by the department for the occupation and the circumstances. Column (12) - a claimant may also refuse an offer of work to attend training approved under State UI law approved training program or under the Federal Trade Act of 1974, and if claimant can establish "good cause" for refusing employment.

24. **North Dakota:** Column (2) - exceptions to work search requirement include claimants returning to an employer with a verifiable job attachment. Column (3) - part-time claimants are only required to seek part-time work. Column (7) - in general, at least 4 contacts per week, but labor market conditions in the claimant's location can result in adjusted work search requirements. Column (10) - contacts may be randomly verified by the agency, but all job contacts are not verified.
25. **Ohio:** Column (2) - exceptions to work search requirement include claimants: (1) attending approved training, (2) locked out, or (3) temporarily laid off with definite return to work within 45 days. Column (4) - any search for suitable work (i.e. ODJFS placement services). Column (7) - as instructed by ODJFS, usually once per week. Column (9) - claimants filing online are presented with fields on the weekly claim application requiring entry of their weekly job contact information, and claimants filing by phone speak their weekly job contact information, which is recorded by the phone system. Column (10) - random audits of claimant work search efforts/status are conducted, and the agency attempts to verify at least one contact listed by the claimant. Column (12) - while attending approved training.
26. **Oklahoma:** Column (2) - exceptions to work search requirement include claimants: (1) in a union (2) temporarily laid off with a definite return to work date (3) individuals in approved training must have satisfactory attendance and progress. Column (3) - full-time claimants must look for full-time work and part-time claimants are only required to seek part-time work. Column (9) - claimants document their work search to the Employment department through hard copy or online form
27. **Oregon:** Column (2) - exceptions to work search requirement include claimants: (1) in closed unions attached to an employer, (2) attached to an employer, and (3) temporarily laid off for up to 4 weeks. Column (7) - The rule requires an individual to perform five work seeking activities each week, two of which must be direct employer contact with employers who may hire the individual. Column (9) - claimants report their work search to the Employment Department through phone recording or online form.
28. **Pennsylvania:** Column (2) - claimant groups exempted from work search requirements include: (1) Trade Adjustment Assistance (TAA) program participants in approved training, (2) individuals who are attending a department-approved training course/program, (3) select participants of a department-approved employer Shared-Work program (short time compensation), (4) participants in services related to Pennsylvania's Profile Reemployment Program, (5) employees who filed an application for benefits as a result of being laid off or having work hours reduced due to the employer's lack of work and have a definite return to work date. The law also requires a claimant be able and available for suitable work and not refuse suitable work when offered by an employer. UC eligibility requirements for extended benefits and shared regular benefits provide that an individual must be actively seeking work by being engaged in a systematic and sustained effort to obtain work and must furnish tangible evidence that he was engaged in such an effort for each week he files for benefits. Column (6)- mail. Column (7) the state law does not have a set number of contacts, however, state regulations specify that, beginning with the third week of benefits claimed, a combination of 3 jobs applications be submitted and/or work search activities conducted to qualify for each claim week. The claimant's ability to apply for jobs that offer similar employment opportunities and reasonable commuting distances dictate what combination of applications and work search activities is acceptable. Column (12) - where potentially disqualifying information has been received from the employer in a manner set out by state law and regulation, a claimant may refuse an offer of work without penalty if the work is found not to be suitable work as defined by state law or where the claimant can establish "good cause" for refusing employment. Generally, work may also be refused without penalty if: (1) the work offered by his employer requires that the claimant accept the offer pursuant to the terms of the labor-management contract or agreement, or pursuant to an established employer plan, program or policy; or (2) the claimant is in training approved under Section 236(a)(1) of the Trade Act of 1974.
29. **Puerto Rico:** Column (2) - exceptions to work search requirement include claimants in approved training.
30. **Rhode Island:** Column (2) - exceptions to work search requirement include claimants that do not have a definite return to work date within 8 weeks of the last day worked.
31. **South Carolina:** Column (2) - exceptions to work search requirement include claimants: (1) filed by the employer, and (2) attending approved training. Column (3) - part-time claimants are only required to seek part-time work. Column (7) - each claimant must make at least four job searches per week at least one of which must be done through the state's electronic job search portal.
32. **Tennessee:** Column (2) - exceptions to work search requirement include claimants: (1) who are job attached, or (2) in

## FOOTNOTES FOR TABLE 33

an agency approved training program. All claimants who are not job attached or in approved Agency training must make three documented work searches each week. The claimant will be disqualified for a period of not less than eight (8) benefit weeks if it is determined that the claimant has provided false work search information. The claimant will be disqualified during each week only that the claimant fails to make the work searches. Column (3) - suitable work is defined as work that is reasonably the same rate of pay, hours, commuting distance, and other similar factors and the claimant must make himself available for a minimum of 20 hours of work each week. Column (4) - if a claimant is profiled as likely to exhaust their UI benefits and are selected to participate in the agency's re-employment services program and/or starts receiving Extended Benefits, he must perform additional tangible work searches each week, document these searches and report them to the agency. Column (5) - claimants are generally not restricted regarding where they must look for work. Column (6) - for the purposes of complying with the named methods of work search, blind faxing of resumes would not constitute a tangible work search. Column (7) and (8) - a profiled claimant receiving EB must make two tangible work search contacts each week. All other claimants are not required to perform tangible work searches. Column (9) - a claimant who must perform tangible work searches must document the work searches on a log and either mail it to the Agency (for claimants receiving EB) or bring it to a local Career Center (for profiled claimants). Column (10) - a claimant receiving EB is subjected to random audits while a profiled claimant must provide written documentation of work search, but the case worker may telephone the contact to verify. Column (11) - a normal claimant's benefits are stopped until he meets the requirements. An EB claimant failing to do work search, a four times his weekly benefit amount re-earnings requirement is imposed upon him until he can again be eligible for UI.

33. **Texas:** Column (2) - exceptions to work search requirement include claimants: (1) in Commission approved training or training under the Trade Act of 1974, (2) participating in a shared work plan, (3) on a temporary layoff with a definite return to work date of 8 weeks or less from the layoff date, or 12 weeks if implicitly requested by the employer in writing, (4) granted a waiver by the Executive Director, (5) on jury duty for three days or longer, (6) that are members "in good standing" of a union that maintains a non-discriminatory hiring hall if the claimant maintains contact with and utilize the placement services of the hall. Column (4) - including the Texas Workforce Commission Services. Column (7) - the assigned minimum number varies by WF Board. The default is 3/week but each Board can set the number based on the labor market in their area. Rural areas can go down (with justification). Boards can go up (with justification). Column (11) - if claimant didn't complete WS for only one week the disqualification would only be for one week. The claimant would only be disqualified for the weeks in which he/she didn't look for work. This "disqualification" only withholds payment for the week(s) the claimant didn't do the WS and doesn't require the claimant to earn wages/work to close the disqualification. If the claimant was receiving Extended Benefits and failed to complete a WS then Texas would impose a 4x4 disqualification that would require a return to work and earnings to close.
34. **Utah:** Column (2) - exceptions to work search requirement include claimants: (1) who had worked full-time that will return to full-time work within 10 weeks, (2) who obtain an offer of new full-time work that will begin on a definite date within three weeks, (3) who receive department approval for training, (4) union members who are in good standing with their union, are on the out-of-work list, and have a majority of base period employment through the union, (5) seasonal workers, (6) who indicate they are going to school sponsored by the Trade Act, or (7) who are unemployed due to a labor dispute while eligibility is being determined. Column (7) - claimant who have a TRA basic claim and not in training are required to make 4 job contacts.
35. **Vermont:** Column (2) - exceptions to work search requirement include claimants: (1) who have a return to work date within 10 weeks of filing, (2) in approved training, (3) filing illness claims, or (5) on STC. Column (3) - claimants must be realistic in their work search and apply for jobs they are qualified for and willing to accept. The longer the duration, the higher the expectation is that he or she intensify and expand work search efforts. Column (11) - requirement to repay benefits improperly paid.
36. **Washington:** Column (2) - exceptions to work search requirement include claimants: (1) attached to an employer, (2) in good standing with full referral union, (3) in approved training or self-employment assistance program, (4) escaping domestic violence, or (5) during EB, also exceptions for jury duty and life threatening emergency. All others must make three efforts with employer contacts of job search activities at the local WorkSource Employment Center. Claimants escaping domestic violence can conduct activities to help their DV situation. Column (4) - (O) in person job search at local WorkSource Employment Center. Column (11) - during Job Search Review interview, denial for all weeks where claimant can't provide work search evidence. Column (12) - enrolled in approved training or self-employment assistance program.
37. **Wisconsin:** Column (2) - exceptions to work search requirement include claimants: (1) reasonably expecting to return to work with former employer, (2) performing work for a "customary" employer, (3) reasonable expectation of starting work for a new employer within 4 weeks, (4) obtains work through a union hall, (5) on jury duty, (6) is enrolled in approved training, (7) performing work that would justify a work search waiver, (8) participating in re-employment services or training from a re-employment services assessment, or (9) during the week of January 1, 4th Thursday in November or December 25; Column (7) - the department shall prescribe circumstances in which a claimant must do more than 4 weekly work searches by administrative rule; Column (11) - the denial is for each week that the work search requirement is not followed and the disqualification of multiple weeks only applies to extended benefits.

## FOOTNOTES FOR TABLE 33

38. **Wyoming:** Column (2) - exceptions to work search requirement include claimants attached to a job or union.
39. **New Jersey:** Column (2) - exceptions to work search requirement include claimants granted a waiver.
40. **South Dakota:** Column (2) - exceptions to work search requirement include claimants: (1) returning to base period employer that paid 50%+ base period wages and due to weather related seasonal factors, work is not available in the claimant's primary base period occupation and other suitable work is not available, (2) is returning to an employer in 10 weeks, (3) is a member of union or professional society through which they normally find employment, or (4) is starting employment within 3 weeks. Column (3) - work search must be comparable to base period earnings. Column (6) - claimants must use any method required by employers for work application; however, telephone contacts are not acceptable. Column (7) in general, two contacts a week, the number increases when participating in reemployment services. Column (10) - claimant provides work search details in writing if internet filing or voice records if IVR filing.
41. **Kentucky:** Column (2) - exceptions to work search requirement include claimants: (1) are in approved training, (2) represented by a union hall, or (3) definite return to work date within 12 weeks. Column (7) - once per week on UI or EUC, twice per week if on EB.
42. **Arizona:** Column (2) - claimants in Approved Training and Shared Work are exempt from work search requirements. Column (8) - efforts must increase as duration lengthens. Column (11) - failure to conduct a systematic and sustained work search during at least 4 different days of the week and has made at least 3 work search contacts will result in disqualification for duration of unemployment until claimant earns 8xWBA.
43. **Iowa:** Column (2) - exceptions to work search requirement include claimants: (1) temporarily unemployed and (2) who refuse to bump a less senior employee. Column (3) - suitable work is the same work as worked during the claimant's base period. Column (9) - number of contacts reported on weekly claim. Column (11) - may also bring claimant in to question availability.
44. **Virginia:** Column (2) - exceptions to work search requirement include claimants: (1) attached to an employer, and (2) in approved training. Column (12) - may refuse work without penalty if: (1) the position is vacant due to a strike, (2) the position requires the claimant to join a union, and (3) the claimant is in an approved training program.
45. **Massachusetts:** Column (10) - staff telephone contacts to verify work search.
46. **Maryland:** Column (2) - exceptions to work search requirement include claimants: (1) who are on a temporary layoff of 10 weeks or less from their last day of work. Column (3) - may search for part-time work if work history shows claimant worked predominantly on a part-time basis for at least 20 hours per week. Column (10) - verified randomly by the Benefit Accuracy Measurement Unit.
47. **Kansas:** Column (2) - exceptions to work search requirement include: claimants who are on a temporary layoff, union members, or individuals in Approved Training are not required to make work search contacts.
48. **Nebraska:** Column (3) - for a claim based on full-time earnings in the base period, a work search must be for prospective full-time employment opportunities. If the unemployment claim is based on primary part-time employment, claimants are permitted to make job contacts for part-time or full-time work. Columns (9,10) - any work search record is subject to verification.



# ALTERNATIVE FINANCING OF UNEMPLOYMENT INSURANCE

In the early 1970s states began to explore the use of bonds and alternative financing of unemployment compensation instead of and/or in addition to the use of advances from the Federal Unemployment Account under Title XII of the Social Security Act. Prior to 1982 advances from the federal account had been interest free. Fourteen states have enacted statutory authorization to finance unemployment insurance debt through bonds or other alternatives available through the state or private markets.

The imposition of interest on Title XII advances along with the provisions in the Federal Unemployment Tax Act (FUTA) that triggered automatic flat FUTA tax rate increases (increases in offset credit reductions) in states with outstanding Title XII loans over multiple years made alternative finance potentially less costly for employers and states than the system of Title XII loans, interest and tax triggers.

The great recession of 2008-2009 significantly increased state unemployment compensation benefit

payments resulting in more than a majority of states having to request federal loans. In many cases state deficits were so large that states turned to less costly alternatives to the Title XII system to address the need to eliminate the debt and avoid interest and FUTA tax increases.

This table is designed to provide a review of the primary features of state bonds and/or alternative financing that are being used by states to address UI trust fund solvency. It should be noted that the use of bonds may result in some savings, however, it also shifts the overall cost of unemployment compensation to be paid by employers to assessments as debt service instead of the FUTA taxes and/or interest charges that would have been triggered. A more complete total cost comparison of states should include state UI taxes, federal unemployment taxes, interest assessments, and debt service for alternative financing that may be applicable. In reviewing total cost comparisons, readers should also refer to Tables 11 -13.

**Table 34 - ALTERNATIVE FINANCING OF UNEMPLOYMENT INSURANCE**

State	Bond or alternative financing authority? <sup>1</sup> Y or N?	Source <sup>2</sup> SC = State constitution SSA = State statutory authority RA = Regulatory authority O = Other	Entities <sup>3</sup> UA = UI agency OSA = Other state agency PEAS = Private entity authorized by statute O = Other	Type of financing authorized <sup>4</sup> R = Revenue bonds O = Other	Permanent or Temporary <sup>5</sup> P or T	Authority Limited? <sup>6</sup> TD = Total dollar amount P = Period of time O = Other	Use <sup>7</sup> P = Principal I = Interest A = Admin (specify)	Bond costs as total bond proceeds <sup>8</sup>	Bond tranches issued <sup>9</sup> TE = Tax exempt T = Taxable B = Both
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
Arizona	Y	SSA	UA	O	T	TD	P	0.398%	TE
Arkansas	Y	SSA	OSA	R	P	TD	P,I,A	N/A	TE
Colorado	Y	SSA	UA,OSA	R	P	O	P,I	0.369%	B
Connecticut	Y	SSA	UA,OSA	R	P	TD	P,I,A	-	-
Idaho <sup>17</sup>	Y	SSA	OSA	R	P	O	P,I,A	0.57%	TE
Illinois	Y	SSA	UA	R	T	TD,P	P,I,A	0.46%	B
Louisiana	Y	SSA	UA,OSA	O	P	TD	P,I,A	N/A	N/A
Michigan	Y	SSA	OSA	R	P	TD	P,A	0.37%	TE
Missouri	Y	SSA	O	O	P	P	P,I,A	N/A	TE
Nevada	Y	SSA	UA,OSA	R	P	TD	P,I,A	0.63%	TE
North Carolina	Y	SC,SSA	UA	-	-	-	-	0.45%	-
Pennsylvania	Y	SSA	UA,OSA	R	T	TD, P	P,I,A	0.47%	TE
Texas	Y	SSA	OSA	R	P	TD	P,I,A	0.46%	TE
Wisconsin	Y	SSA	OSA	O	P	TD	P	N/A	N/A

**Table 34 - ALTERNATIVE FINANCING OF UNEMPLOYMENT INSURANCE - PART 2**

State (1)	Were bond tranches issued? F = Fixed rate V = Variable rate B = Both (11)	Primary reason bonds issued A = Avoid FUTA tax credit loss R = Reduce interest costs O = Other (12)	Ongoing admin costs of managing bonds? <sup>10</sup> Y or N (13)	What year(s) bonds sold and financing obtained <sup>11</sup> (14)	Source of debt service payment <sup>12</sup> EA = Employer assessment TE = Tax Exempt T = Taxable O = Other (15)	Penalty for early payoff of bond? <sup>13</sup> Y, N or O (16)	How much debt service to be paid in 2015 and over what period of time? <sup>14</sup> (17)	If cost paid by employers what is per employee cost for 2015 and future years? <sup>15</sup> (18)	Are costs paid by employer credited to state UI account? <sup>16</sup> Y, N or O (19)
Arizona	F	A,R	N	9/26/13	EA	N	N/A	\$0 - Special Assessment	N
Arkansas	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Colorado	F	A,R	Y	6/28/12	EA- TE=2yrs, T=5yrs	N	\$133,014,122	Not calculated	Y
Connecticut	-	-	-	-	-	-	-	Not calculated	-
Idaho <sup>17</sup>	F	A,R	N	8/31/11	O	Y	X <sup>14</sup>	N/A	
Illinois	B	A,R	Y	7/1/04 and 7/31/12	EA	O	\$301,562,900	Not calculated	O
Louisiana	N/A	A	N	1987	N/A	N/A	N/A	N/A	N/A
Michigan	B	A,R	Y	12/27/11 and 6/27/12	EA	Y	\$450,000,000	Range from \$64.60 to \$228.00	N
Missouri	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Nevada	F	A,R,O	Y	11/7/13	EA	O	1/4 of total bond	X <sup>15</sup>	N
North Carolina	-	-	-	-	-	-	-	Not calculated	-
Pennsylvania	B	A,R	Y	7/25/12 and 10/18/12	EA	Y	\$267,000,000	Not calculated	N
Texas	F	A,R	Y	11/18/10, 12/7/12, and 5/15/14	EA	O	\$340,496,808	Not calculated	N

## FOOTNOTES FOR TABLE 34

1. **As of January 1, 2014 the following states have bond or alternate financing authority to pay UI debt:** Arkansas, Colorado, Connecticut, Idaho, Illinois, Louisiana, Michigan, Nevada, North Carolina, Pennsylvania and Texas. **NC:** The state treasurer can issue bonds. No plans to issue bonds in 2013 for payment of UI debt.
2. **AR:** Arkansas Code Annotated § 11-10-1001. **ID:** Idaho Statutes 72-134B. **IL:** 30 ILCS 440/4. **LA:** Louisiana Revised Statutes, 23:1532.1 and 9:2341, 2347. **MI:** Public Acts 267 and 268. **NV:** Nevada Revised Statutes, 612.6102-.6134 and Nevada Administrative Code, R 039-13. **NC:** North Carolina Constitution, Article 5, Section 3 and NC General Statutes 142-19. **TX:** Labor Code 203, Subchapter F.
3. **CO:** The other state agency authorized to issue bonds is the Colorado Housing and Finance Authority. **ID:** Idaho Housing and Finance Association. **LA:** Louisiana Bond Commission. **NV:** Nevada State Board of Finance. **MI:** Michigan Department of Treasury. **NC:** The state budget director may authorize and direct the state treasurer to borrow after receiving the consent of the Governor and Council of State authorization. **PA:** UI Agency, Pennsylvania Department of Labor & Industry, through the Pennsylvania Economic Development Financing Authority (PEDFA). **TX:** Texas Public Finance Authority.

## FOOTNOTES FOR TABLE 34

4. **LA:** Bonds, notes, certificates or other evidence of indebtedness. **TX:** Any type of obligation including bonds that are secured by a pledge of revenues received from an unemployment obligation assessment.
5. **ID:** Authority is permanent, but at the discretion of the Director. **IL:** The authority to issue new bonds expires after 12/31/2021. **WI:** Authority is permanent until the Wisconsin State Legislature revokes authority.
6. **CO:** Authority is limited to the extent of UI agencies ability to pay debt service with many factors considered and weighted in determining ability to pay. **CT:** \$1 billion. **ID:** limited to the repayment of federal advances under Title XII of the Social Security Act. **IL:** \$2.4 Billion. **LA:** \$1.4 million. **PA:** The authority to issue bonds, other than refinancing or refunding bonds, expires in 2016; however, the bond indenture prohibits the issuance of any additional bonds to be paid from the same revenue source. **TX:** Each obligation issued cannot exceed \$2 billion and cannot exceed 10 years; however there are no restrictions on the number of separate issues.
7. **ID:** Other required costs of the Idaho Housing and Finance Association related to the UI bonds. **IL:** The bond proceeds may be used to pay principal and interest on Title XII loans, for deposit into the state UTF account, for the costs of issuance, for providing an appropriate reserve, or for capitalized interest for not more than 2 years. **LA:** Bond counsel fees, trustee's fees, agent's fees and expenses or other costs "annually incurred". **MI:** Financial advisors and bond counsel. **NV:** Ongoing administrative costs of bond related expenses. **PA:** Bond related expenses. **TX:** The bond proceeds may be utilized to pay principal & interest on Title XII Loans, related bond issuance costs, unemployment benefits, bond reserve and capitalized interest.
8. **ID:** Issuance cost included; discount, legal, printing, rating agency fees, trustee fees and other expenses of the issuance and offering of the bonds. **IL:** COI=\$6,763,113.22; Principal Amount=\$ 1,469,940,000; COI/Principal=0.46%.
9. **IL:** Federal Income tax - exempt; Illinois Income tax – NOT tax exempt.
10. **CO:** Administrative costs recovered through an annual employer assessment. **ID:** All costs were included in the bond issuance cost. **IL:** \$1,000 per year; First year is paid from the bond proceeds as part of Cost of Issuance; Subsequent years, payment is from IDES' Administrative Funds. **MI:** Administrative expenses include preparation, accounting, reporting, counsel fees, advisor fees, maintain ratings, agent fees and remarketing fees. **PA:** There should be minimal, if any, ongoing administrative costs associated with the bond proceeds. There are administrative costs related to servicing the bond debt and paying off the bonds, such as letter of credit fees and remarketing fees. Bond related administrative expenses are paid out of the revenue source dedicated to the bonds. **TX:** In FY 2013, the cost charged to the Texas Workforce Commission was \$10,650.
11. **MI:** Short term financing occurred December 27, 2011, long term financing occurred June 27, 2012. **PA:** Interim financing was obtained on July 25, 2012 through an interim note with Citibank. The bonds (permanent financing) were issued on October 18, 2012.
12. **ID:** Principal and interest will be paid from Idaho's Employment Security Reserve Fund. **IL:** A surcharge added to each employer's contribution rate. **MI:** Obligation assessments charged to contributing employers. **PA:** The "Interest Factor", which is a component of an employer's overall contribution rate. **TX:** An obligation assessment tax – This is an experienced tax rate on reported taxable wages.
13. **IL:** Early redemption mandatory for Series C Bonds beginning, but not before, 6/15/13, when there is Excess Pledged Revenues. When Series C Bonds are all redeemed, early redemption of Series B is optional per schedule beginning 6/15/14. No early pay-off of Series A Bonds. **MI:** Early payoff of callable bonds. **PA:** two of the three series of bonds are callable. **TX:** Two of the bond tranches allow early payment. One tranche includes "super sinkers" which can be repaid at any amount at selected dates and a separate tranche of callable bonds, that may redeemed on specified dates.
14. **AZ:** Notes due and payable in May, 2014. **CO:** Interest was prepaid for a total of \$19,932,947. Debt service by year: 2012=\$4,150,839; 2013=\$135,586,156; 2014=\$133,014,122; 2015=\$129,997,230; 2016=\$128,271,533; and 2017=\$126,120,926 for a total of \$657,140,806. **ID:** 2011 repaid federal loans \$202,401,700.22 from bond issuance. 2012=\$50,270,566; 2013=\$52,404,700; 2014=\$52,408,650; 2015=\$52,404,750; Total debt=\$207,488,666. 2015 Payoff is scheduled for 8/15/15. **IL:** Total debt service, assuming no early redemption (principal and interest) = \$1,762,305,800 paid during 6/15/13 - 6/15/21 (excludes \$24,678,168.75 of capitalized interest paid 12/15/12). Total debt service, assuming planned early redemption (principal and interest) = \$1,667,320,913 paid during 6/15/13 - 12/15/17 (excludes \$24,678,168.75 of capitalized interest paid 12/15/12). **MI:** January 1 and July 1 from 2013 through January 1 2021. \$2,917,135,000 through January 1 2021. **NV:** Principle, interest and administrative costs due for 2014 is \$138 million. **PA:** The principal and interest due for 2014 is \$288 million. **TX:** The original scheduled debt service was \$2.47 billion. However the actual debt service that will be paid, by utilizing the early payment features, will be approximately \$2.30 billion. Debt service is due July 2011 through January 2021 as originally scheduled; however the actual period of time will be January 2017 to July 2017.
15. **AZ:** Special assessment collected in prior years. **IL:** Debt service is covered by a surcharge added to each employer's contribution rate. The surcharge equals 0.55 percent of the taxable wage base, which equals \$12,900 for 2013 and \$12,960 for 2014 – 2019 and ranges between \$12,300 and \$12,960 thereafter. **MI:** (Employer tax rate x obligation

## FOOTNOTES FOR TABLE 34

assessment ratio) + (fixed dollar amount / taxable wage base). The amount varies by number of employees. **NV:** The average assessment rate is 0.56% for 2015, which at the maximum taxable wage of \$27,800 is \$156.68 per employee. The average employer rates range from 0.16% to 0.89% in 2015. **PA:** The Interest Factor, which is payable while bonds are outstanding, is capped at 1.1 percent of wages up to the maximum taxable wage base per employee per year. The taxable wage base per employee per year is as follows: 2013 - \$8,500, 2014 - \$8,750, 2015 - \$9,000, 2016 - \$9,500, 2017 - \$9,750, 2018 and thereafter - \$10,000. Employers pay a rate capped at 1.1 percent of taxable wages, so total debt service payments for individual employers vary depending on the total amount of taxable wages. **TX:** There is an obligation assessment designed to pay off the bonds. There is not a per employee assessment. The Commission adopts a percentage that when multiplied times the tax rate of experience rated employers will collect 1.5 times the estimated debt service that is due during the next bond year. The 1.5 multiple is specified in the official statement of the bonds. The amount paid by an individual employer is a percentage of an employer's experience rated combined tax rate.

16. **IL:** Revenues from the surcharge are deposited into a fund dedicated to covering the bonds. Surpluses within that fund are transferred to the state's Unemployment Trust Fund account. **PA:** the proceeds of the Interest Factor are deposited into a separate fund dedicated to the bonds. Contributory employers who pay the newly liable employer rate are exempt. **TX:** The assessments paid by employers are deposited to an obligation assessment fund for debt service only. Note that Texas is a benefit ratio state. There are technically two bond issues in three tranches – these issues are accounted for as a single issue where the obligation assessment rate is subject to the UI experience rate.
17. **ID:** Idaho's experience with bonding has been very positive. Bonding allowed the state and its employers to put the issue of federal loans behind us without a federal tax surcharge aggravating employer costs during the period of a fragile economic recovery. Idaho had to borrow \$202,401,700 during 2009 and 2010. Idaho's federal interest cost from January 1 to Sept 30, 2011 was \$6.1 million. Bonding allowed the repayment of federal loans, avoided a 12 percent tax increase and with a bond interest rate of 1.017% saved an estimated \$15 million in interest. Idaho is one of four states that currently use a reserve fund. Idaho uses the reserve fund to pay back the bonds over a four-year term. **PA:** It is important when looking at alternative financing to also address the structural insolvency of the fund. Pennsylvania had a two part solution, which refinanced the debt and provided for a better alignment of the fund's benefit payments with its resources, thereby improving the fund's ability to perform in future economic downturns. The alternative financing was able to bring relief to employers because the federal UC loan carried a variable interest rate that could be as high as 10%. Act 60 of 2012 authorized the commonwealth to refinance this outstanding debt through the issuance of bonds in the private market. On July 25, 2012, the commonwealth paid off the outstanding federal debt in full through an interim financing deal which saved employers \$22.6 million in interest over just two months and restored the full FUTA tax credit for wages paid in 2012. The commonwealth then closed on the permanent financing deal in October and received a historically low fixed rate of 1.29 percent. Instead of repaying the federal government through the escalating FUTA credit reduction and a variable interest rate, Pennsylvania employers will pay off the bonds through the Interest Factor, which is capped at 1.1 percent of the state taxable wage base. **TX:** Ensure there is sufficient flexibility regarding early redemption features.

# CHRONOLOGY OF MAJOR CHANGES IN FEDERAL UNEMPLOYMENT COMPENSATION LAWS

August 1935	(P.L. 74-271, App. 8/14/35) Enactment of Social Security Act. Declared constitutional May 24, 1937. Creation of federal unemployment tax; credit for employers against federal tax for taxes paid under a state law that meets federal law requirements; federal financing of administrative costs; state autonomy over substantive elements of state UC programs.
June 1938	(P.L. 75-722, App. 6/25/38) Enactment of Railroad Retirement Act.
February 1939	(P.L. 76-1, App. 2/10/39) Taxing provisions in Title IX of Social Security Act transferred to Internal Revenue Code—Federal Unemployment Tax Act (FUTA).
August 1939	(P.L. 76-379, App. 8/10/39) FUTA taxable wage base limited to first \$3,000 of earnings; states required to establish merit systems for personnel who administer UC programs; coverage extended to certain federal instrumentalities.
September 1944	(P.L. 78-346) Servicemen's Readjustment Act of 1944 (G.I. Bill). Readjustment allowances of \$20 a week for a maximum of 52 weeks.
October 1944	(P.L. 78-458, App. 10/3/44) established the George Loan Fund for federal loans to states in anticipation of heavy reconversion costs.
August 1946	(P.L. 79-719, App. 8/10/46) Extended coverage to maritime service; permitted states to withdraw employee contributions from fund for payment of benefits under a TDI program; provided reconversion unemployment benefits for seamen employed by the War Shipping Administration.
July 1947	(P.L. 80-226, App. 7/24/47) Voluntary contributions permitted in employer rate computations.
June 1948	(P.L. 80-642, App. 6/14/48) Supreme Court decision resulted in the term "employee" in the FUTA being limited to employees under the common law rule of "master-servant" retroactive to 1939. Federal coverage withdrawn from 500,000, including outside salesmen.
October 1952	(P.L. 82-550) Veterans Readjustment Act of 1952 (UCV program) provided up to 26 weeks of benefits at \$26 a week (\$676) to unemployed veterans of the Korean conflict.
August 1954	(P.L. 83-567, App. 8/5/54) The Employment Security Administrative Financing Act of 1954 (Reed Act) earmarked all proceeds of the unemployment tax to UC purposes by appropriating to the Federal Unemployment Trust Fund any annual excess of federal tax receipts over employment security expenditures approved by Congress. Bill created loan fund; provided for return to the states of any excess over a \$200 million reserve in the loan fund to be used for benefits and state administrative expenses, including buildings.
September 1954	(P.L. 83-767, App. 9/1/54) Coverage: established Unemployment Compensation for Federal Employees—(UCFE) program; extended coverage (eff. 1/1/56) to employers of 4 (instead of 8) or more workers in 20 weeks in a calendar year. Tax: states permitted to allow reduced rates to employers with 1 (instead of 3) years' experience.
June 1958	(P.L. 85-441, App. 6/4/58) Established TUC. Provided up to 13 weeks of extended benefits to individuals who had exhausted regular entitlement after June 30, 1957 and before April 1, 1959. Financed by federal loans to states. State participation optional.
October 1958	(P.L. 85-848, App. 8/28/58) Permanent program providing benefits to veterans under law of state in which claim was filed. Ex-servicemen's Unemployment Act of 1958 (UCX).
September 1960	(P.L. 86-778, App. 9/13/60) Federal share increased from 0.3% to 0.4%; permitted advances from loan fund only to states unable to meet benefit costs in current or following month; extended coverage to Federal Reserve Banks, land banks, and credit unions. Puerto Rico brought into system. Effective 1/1/62, coverage extended to employees on American aircraft working outside U.S.; nonprofit organizations not exempt from income tax, feeder organizations of nonprofit organizations.
March 1961	(P.L. 87-6, App. 3/24/61) Established TEUC. Provided up to 13 weeks of extended benefits to workers who exhausted benefits after June 30, 1960 and before April 1, 1962. Financed by a temporary federal unemployment tax of 0.4% for 1962 and 0.25% for 1963. Mandatory for all states.

August 1935	(P.L. 74-271, App. 8/14/35) Enactment of Social Security Act. Declared constitutional May 24, 1937. Creation of federal unemployment tax; credit for employers against federal tax for taxes paid under a state law that meets federal law requirements; federal financing of administrative costs; state autonomy over substantive elements of state UC programs.
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August 1954	(P.L. 83-567, App. 8/5/54) The Employment Security Administrative Financing Act of 1954 (Reed Act) earmarked all proceeds of the unemployment tax to UC purposes by appropriating to the Federal Unemployment Trust Fund any annual excess of federal tax receipts over employment security expenditures approved by Congress. Bill created loan fund; provided for return to the states of any excess over a \$200 million reserve in the loan fund to be used for benefits and state administrative expenses, including buildings.
September 1954	(P.L. 83-767, App. 9/1/54) Coverage: established Unemployment Compensation for Federal Employees—(UCFE) program; extended coverage (eff. 1/1/56) to employers of 4 (instead of 8) or more workers in 20 weeks in a calendar year. Tax: states permitted to allow reduced rates to employers with 1 (instead of 3) years' experience.
June 1958	(P.L. 85-441, App. 6/4/58) Established TUC. Provided up to 13 weeks of extended benefits to individuals who had exhausted regular entitlement after June 30, 1957 and before April 1, 1959. Financed by federal loans to states. State participation optional.
October 1958	(P.L. 85-848, App. 8/28/58) Permanent program providing benefits to veterans under law of state in which claim was filed. Ex-servicemen's Unemployment Act of 1958 (UCX).
September 1960	(P.L. 86-778, App. 9/13/60) Federal share increased from 0.3% to 0.4%; permitted advances from loan fund only to states unable to meet benefit costs in current or following month; extended coverage to Federal Reserve Banks, land banks, and credit unions. Puerto Rico brought into system. Effective 1/1/62, coverage extended to employees on American aircraft working outside U.S.; nonprofit organizations not exempt from income tax, feeder organizations of nonprofit organizations.
March 1961	(P.L. 87-6, App. 3/24/61) Established TEUC. Provided up to 13 weeks of extended benefits to workers who exhausted benefits after June 30, 1960 and before April 1, 1962. Financed by a temporary federal unemployment tax of 0.4% for 1962 and 0.25% for 1963. Mandatory for all states.
August 1970	(P.L. 91-373, App. 8/10/70) Tax: wage base increased from \$3,000 to \$4,200, eff. 1/1/72; federal tax rate increased from 3.1% to 3.2%; new employers permitted reduced rate on basis other than experience. Created Extended Unemployment Compensation Program providing up to 13 weeks of extended benefits financed 50/50 federal-state to claimants who exhaust their regular entitlement during periods of high unemployment nationwide or in their state: nationwide, whenever seasonally adjusted insured unemployment rate is 4.5% or more for 3 consecutive months; whenever state's insured unemployment rate averaged 4% or more for 13 consecutive weeks and was at least 20% higher than the average of such rates for the corresponding 13-week periods in the preceding 2 years. Extended benefit period ends when conditions no longer exist, but must remain in effect at least 13 weeks. Coverage extended, eff. 1/1/72, to employers with 1 or more employees in 20 weeks or a quarterly payroll of \$1,500; nonprofit organizations of 4 or more employees; state hospitals and institutions of higher education; outside salesmen, agents and commission drivers; certain agricultural processing workers; U.S. citizens employed by American firms outside the U.S. New state requirements added; nonprofits must be given right to finance benefit costs by straight reimbursement instead of tax; certain professional employees of colleges must be denied benefits between school terms if they have a contract to work both terms; benefits may not be paid any claimant for a second successive benefit year unless he has worked since beginning of the preceding benefit year; benefits may not be denied claimants in approved training; benefits may not be denied because a person files a claim in



	another state or Canada; required participation in interstate plan for combining a claimant's wage credits when his earnings are in more than one state; prohibits canceling wage credits or totally reducing benefit rights except for misconduct in connection with the work, fraud in connection with a claim, receipt of disqualifying income.
December 1971	(P.L. 92-224, App. 12/29/71) Enacted the Emergency Compensation Act of 1971, providing additional extended benefits of up to 13 weeks to claimants in states with an insured unemployment rate plus an adjustment rate for exhaustees of 6.5%, provided extended benefits had already triggered on in the state. Act was effective between January 30, 1972 and September 30, 1972.
June 1972	(P.L. 92-329, App. 6/30/72) Extended Emergency Compensation Act of 1971 to March 31, 1973. Financed by increase in federal tax rate for 1973 from 3.2% to 3.28%.
October 1972 - October 1976	Bills enacted temporarily suspending requirement that state must have both an insured unemployment rate of at least 4% and 120% higher than the average of the rates for the corresponding period in 2 preceding years. Most bills permitted states to waive the 120% requirement.
December 1974	(P.L. 93-567, App. 12/31/74) The Emergency Jobs and Unemployment Assistance Act provided a temporary program of Special Unemployment Assistance (SUA) to individuals with work experience but no benefit rights under regular unemployment compensation programs because their jobs were not covered.
December 1974	(P.L. 93-572, App. 12/31/74) Created emergency benefits program providing up to 13 weeks of Federal Supplemental Benefits (FSB) to individuals who had exhausted all regular and extended benefit entitlement. Payable between January 1, 1975 and December 31, 1976 on the basis of same triggers as in the extended benefits program.
March 1975	(P.L. 94-12, App. 3/29/75) Increased maximum number of weeks payable under FSB from 13 to 26 until January 1, 1976.
June 1975	(P.L. 94-45, App. 6/30/75) Changed FSB trigger to require insured unemployment rate of at least 5%; limited FSB benefits to 13 weeks duration; extended the program until March 31, 1977; provided for a 3-year deferral of the tax credit reduction provisions applicable to borrowing states, provided they met conditions prescribed by Secretary of Labor.
October 1976	(P.L. 94-444, App. 10/1/76) Provides for federal reimbursement to the states for unemployment compensation paid to individuals separated from CETA public service jobs.
October 1976	(P.L. 94-566, App. 10/20/76) Financing: increased tax base from \$4,200 to \$6,000, effective 1/1/78; increased net federal tax rate from 0.5% to 0.7% to return to 0.5% after all advances for the federal share of extended benefits have been repaid. Coverage: extended to state and local government employees; household workers who are paid \$1,000 or more in any calendar quarter for such services; agricultural labor for employers having 10 or more workers in 20 weeks or paying \$20,000 or more in wages in any calendar quarter; employees of nonprofit elementary and secondary schools; Virgin Islands admitted to the system. Extended benefits: change in triggers- National, seasonally adjusted insured unemployment rate of 4.5% during a 13-week period; state, the 4% unadjusted rate and the 120% requirement retained, but the latter may be waived by the state whenever the unadjusted rate is 5% or more. Standards: disqualification on basis of pregnancy is prohibited; payment prohibited to professional athletes between successive seasons and to aliens not legally admitted to U.S. for permanent residence; to individuals receiving a pension. Payment based on service for a school by a professional must be denied between school terms if individual has reasonable assurance of reemployment. States permitted to apply same denial to nonprofessionals employed by schools. Establishes a National Study Commission to study and report on the unemployment compensation program.
April 1977	(P.L. 95-19, App. 4/12/77) Reduced length of FSB emergency benefit period from 26 to 13 weeks; extended FSB program to November 1977 for new claims; added special disqualifications for refusal of suitable work and defined suitable work for FSB claimants; provided general revenue financing of FSB beginning April 1, 1977; extended the deferral period for borrowing states for 2 years; clarified the required denial of benefits to undocumented aliens; permitted states to extend the required denial of benefits to school employees to vacation periods and holiday recesses in addition to the period occurring between school terms.
December 1977	(P.L. 95-216, App. 12/20/77) Required state UC agencies to provide wage information to welfare agencies on request; for annual rather than quarterly reporting of FICA wages.
November 1978	(P.L. 95-600, App. 11/6/78) The Revenue Act of 1978 subjected unemployment benefits to taxation for those whose total income exceeds certain amounts.
October 1979	(P.L. 96-84, App. 10/10/79) Extended exclusion from the FUTA of certain alien farmworkers for 2 years but provided that these workers shall be counted for determining if a farm operator has enough workers or payroll to be subject to FUTA coverage.
September 1980	(P.L. 96-364, App. 9/26/80) Amended pension standard to require deduction of pension payments only in specified circumstances and to allow states to consider an individual's contribution to the pension in determining the amount to be deducted from unemployment benefits; required states to prohibit payment of extended benefits beyond 2 weeks to an interstate claimant if the claim was filed in agent state where extended benefit period was not in effect; required ex-servicemembers to have one year instead of 90 days of active service before they can be eligible for benefits.



December 1980	(P.L. 96-499, App. 12/5/80) Terminated federal funding of unemployment benefits paid to CETA/PSE workers; eliminated federal share of the first week of extended benefits in any state that does not have a noncompensable waiting week requirement for regular benefits; required denial of extended benefits to individuals who fail to meet certain specified requirements concerning application for suitable work, or who fail to actively engage in seeking work; prohibited states from paying extended benefits unless state law provided duration of unemployment disqualifications for the 3 major causes for EB claimants.
August 1981	(P.L. 97-35, App. 8/13/81) Eliminated national EB trigger; increased from 4% to 5% the state EB trigger (and from 5% to 6% the optional trigger if a state waives the 120% requirement); disqualified ex-servicemembers who separate from the service when they had an opportunity to re-enlist; required offsetting of unemployment benefits by amount of child support owed by a claimant; prohibited states from granting extended benefits to any claimant who qualified for regular benefits with fewer than 20 weeks of work (or the equivalent) in his base period.
August 1982	(P.L. 97-248, App. 9/2/82) Increased FUTA taxable wage base from \$6,000 to \$7,000 and net federal tax rate from 0.7% to 0.8% (eff. 1/1/83); increased the gross federal tax rate from 3.4% to 6.2% (eff. 1/1/85) including 0.2% temporary tax until EUCA debt is repaid. 90% offset credit applies to 6.0% yielding net federal tax of 0.8%. Allocation of federal taxes was revised with 60% to ESAA account and 40% to EUCA account until debt is repaid. Fifth year added tax credit reduction for debtor states was amended to eliminate cost rate/tax rate comparison in qualifying states. Lowered the earnings level at which the U.C. benefits are taxable from \$20,000 to \$12,000 for singles and from \$25,000 to \$18,000 for married individuals. Debtor states were permitted to make repayments from experience rated trust fund money. States with very high insured unemployment rate allowed to defer a portion of their interest payments. Wages paid certain student interns were exempted from FUTA. Initiated a temporary program of Federal Supplemental Compensation providing for 6-10 weeks of benefits with program terminating 3/31/83. Extended for 1982-83, the FUTA exemption on wages paid certain alien farmworkers. Directed U.S.DL to assist states desiring to adopt short-time compensation. Extended the Reed Act for 10 years permitting states to restore depleted Reed funds if state has solvent trust fund.
October 1982	(P.L. 97-362, Miscellaneous Tax Act of 1982, App. 10/1/82) Extended for two years FUTA exclusion of services performed on fishing vessels with crews of fewer than 10; amended UCX program to provide that ex-servicemen may qualify if they leave the service after a full term of enlistment; imposed a 4-week waiting period on UCX benefits; limited UCX duration (including extended benefits) to a maximum of 13 weeks; required UCX payments to be charged to Department of Defense after 10/1/83.
December 1982	(P.L. 97-424, App. 1/6/83) Provided for an additional 26 weeks of Federal Supplemental Compensation for each state, according to insured unemployment levels.
January 1983	(P.L. 97-424, Surface Transportation Assistance Act of 1982, App. 1/6/83) Revised triggers and duration of benefits under Federal Supplemental Unemployment Compensation Act of 1982.
April 1983	(P.L. 98-21, Social Security Amendments of 1983, App. 4/20/83) Extended FSC program 6 months to 9/30/83. Modified conditions debtor states must meet to avoid FUTA tax increase. Established new conditions under which interest may be deferred. Required states to provide that nonprofessional employees of schools and colleges be denied benefits between terms and during holidays and vacation periods. Gave states option to extend denial to individuals performing services for or on behalf of schools, even though not employees of those schools. Permitted states to deduct from an individual's unemployment check amounts for health insurance if individual agrees. Allowed states to modify availability requirements for EB claimants to take account of jury duty or hospitalization if such exemptions also apply to regular claimants. Removed from FUTA "wage" exclusions, beginning January 1985, certain employer payments relating to employee retirement benefits and sick pay.
October 1983	(P.L. 98-135, Federal Supplemental Compensation Amendments of 1983, App. 10/24/83) Extended provisions of Act to 3/31/85. Revised triggers and duration of FSC; added exclusion from taxable wages of any payment made by an employer to a survivor or estate of a former employee after the calendar year employee dies; extended for two years, to 12/31/85, exclusion from coverage of wages paid certain alien farmworkers under contract for fixed periods; directs Secretary to make special reports on feasibility of area triggers for extended benefits, structural unemployment among claimants, eligibility of federal retirees and federal prisoners for benefits.
July 1984	(P.L. 98-369, Deficit Reduction Act of 1984, App. 7/18/84) Extended definition of "wages" to all tips reported by employee to employer, including tips made by credit cards as well as cash; extended for 2 years (to December 31, 1984) the exclusion of services performed on fishing vessels with crews of fewer than 10 whose remuneration involves a share in the catch; required that state UI agencies provide for exchange of information with agencies administering other programs for purposes of income and eligibility verification; required all states to require employers to make quarterly reports of wages to a state agency.
October 1984	(P.L. 98-601, Small Business Unemployment Tax Act, App. 10/30/84) Permitted state UI laws to provide certain small businesses (quarterly total wages of under \$50,000) opportunity for phasing in to a maximum tax rate of 5.4%, from 1985 to 1989. (Parallels a similar phase-in provision in P.L. 97-248 applicable to certain industries subject to a uniform state rate above 2.7%.)
October 1984	(P.L. 98-611, App. 10/31/84) Provided a 2-year (1984 and 1985) extension of an employer credit against FUTA and FICA taxes for employer-paid costs of education assistance for employees.

October 1984	(P.L. 98-612, App. 10/31/84) Provided a 1-year (1985) extension of an employer credit against FUTA and FICA taxes for employer-paid costs of group legal services for employees.
April 1986	(P.L. 99-273, Consolidated Omnibus Budget Reconciliation Act of 1985, App. 4/7/86) made permanent the exclusion of services performed on fishing vessels with crews of fewer than 10 whose remuneration involves a share of the catch.
October 1986	(P.L. 99-514, Tax Reform Act of 1986, App. 10/22/86) Provided that all unemployment benefits received after December 31, 1986 will become taxable. Extended for two years (through December 31, 1987) employer credit against FUTA and FICA taxes for employer-paid costs of education assistance and group legal services for employees.
October 1986	(P.L. 99-595, Alien Farmworker Act, App. 10/31/86) Extended for 5 years; exemption from the FUTA of certain nonresident farmworkers admitted to the U.S. to work temporarily.
November 1986	(P.L. 99-603, Immigration Reform Act of 1986, App. 11/6/86) Provided technical provisions concerning state agency verification of alien eligibility for unemployment benefits.
December 1987	(P.L. 100-203, The Budget Reconciliation Act of 1987, App. 12/22/87) Extended the 0.2% temporary tax for three years—until January 1991, thus leaving the federal tax at 0.8%. This temporary tax was enacted in October 1976 (P.L. 94-566). Changed the distribution of this 0.8% tax to provide that 0.52% will go into the Employment Security Administration Account (formerly 0.48%), 0.18% will go into the Extended Unemployment Compensation Account (EUCA-formerly 0.32%) and the remaining 0.1% will go into the Federal Unemployment Account (FUA-formerly this account only received the overflow from the other accounts). Changed the statutory limit for the EUCA account from 0.125% to 0.375% and the FUA account from 0.125% to 0.625% of total wages in covered employment in preceding calendar year. Provides that, if these accounts obtain new loans from the general fund, interest will be charged on the new loans. Authorized a demonstration project under which states would continue paying benefits to unemployed persons who attempt to set up their own business. A maximum of three 3-year demonstration projects were authorized. State general revenues must be used to meet the administration costs of these projects and to make up any losses to the unemployment compensation program.
October 1988	(P.L. 100-503, Computer Matching and Privacy Act of 1988, App. 10/18/88) The purpose of P.L. 100-503 is to regulate the use of computer matching conducted by federal agencies or using federal records subject to the Privacy Act of 1974. The act is designed to ensure privacy, integrity and verification of data disclosed for computer matching.
November 1988	(P.L. 100-647, Technical and Miscellaneous Revenue Act of 1988, App. 11/10/88) Extended through 1988 employers credit against FUTA and FICA taxes for employers-paid costs of education assistance for employees and employer-paid cost of group legal services for employees. Amended definition of “Wages” to reflect treatment of amounts received under Cafeteria plans as defined in Section 125 of the Internal Revenue Code of 1986. Added a new subsection 3306(t)- Benefits Provided Under Certain Employee Benefit Plans-to reflect the treatment of “includable gross income” arising by reason of the nondiscriminatory requirements of employee benefit plans as they relate to highly compensated employees which are set forth in Section 89 of the Code.
December 1989	(P.L. 101-239, Omnibus Budget Reconciliation Act of 1989, App. 12/19/89) Extended through September 30, 1990, employer credit against FUTA/ FICA taxes for employer-paid costs of education assistance for employees and employer-paid cost of group legal services for employees.
November 1990	(P.L. 101-508, Omnibus Budget Reconciliation Act of 1990, App. 11/5/90) Extended the 0.2% temporary FUTA tax for five years—until January 1996. The gross FUTA tax remains at 6.2%, the maximum offset at 5.4% and the net tax at 0.8%. Changed the distribution of the revenue generated by the tax among the accounts in the unemployment trust fund to 90% to ESAA (formerly 65%), 10% to EUCA (formerly 22.5%) and overflow to FUA (formerly 12.5%) beginning in 1991. Reed Act was made permanent, with future distributions based on each state’s share of wages subject to the federal taxable wage base rather than state taxable wage base. Extended for two years (through December 1992) employer credits against FUTA and FICA taxes for employer-paid costs of educational assistance and group legal service for employees.
November 1991	(P.L. 102-164, Emergency Unemployment Compensation Act of 1991, App. 11/15/91). Provided 6, 13 or 20 weeks of emergency benefits, depending on the level of unemployment in each state; provided a reachback to March 1, 1991 for persons who have exhausted their benefit entitlement in states where 13 and 20 weeks of emergency benefits are payable; in some states with 6 weeks of duration, benefits were limited to claimants who exhausted benefits after November 17, 1991; the program terminates July 4, 1992; the 0.2% FUTA surtax was extended for one year, through 1996; provision was made for a demonstration program in three states to test the feasibility of implementing job search assistance programs; the benefit provision for ex-service personnel was changed from a benefit duration of 13 weeks after a four-week waiting period to a potential 26 weeks with the same waiting period requirement that applies to all other claimants under each state’s law; provision was made to allow states to pay benefits to non-professional school employee’s between academic years or terms; amended law requires the establishment of an “Advisory Council on Unemployment Compensation” to evaluate the UC program periodically, including purpose, goals, counter cyclical effectiveness, coverage, benefit and financial adequacy, and any other aspects of the program and to make recommendations for improvement.

December 1991	(P.L. 102-182, App. 12/4/91). Amended the Emergency Unemployment Compensation Act of 1991 by eliminating the 6 week tier of emergency benefits, providing for a minimum of 13 weeks of benefits in all states and for a reach-back to March 1, 1991, in all states; changed the termination date of the program to June 13, 1992.
February 1992	(P.L. 102-244, App. 2/7/92). Extended an additional 13 weeks of benefits for all EUC claimants so that a maximum of 33/26 weeks of benefits, depending on the level of unemployment in each state, were available through June 13, 1992 and provided 20/13 weeks of benefits through July 3, 1992; funding provided from the Extended Unemployment Compensation Account and offset by \$2.2 billion in carryover pay-as-you-go financing from prior entitlement legislation and an increase in corporate estimated tax deposits.
July 1992	(P.L. 102-318, Unemployment Compensation Amendments of 1992, App. 7/3/92). Extended the EUC program to March 6, 1993 and provided, based on state levels of unemployment, 26/20 weeks of benefits to claimants of EUC beginning after June 13, 1992; benefits phased down to 15/10 and 13/7 weeks, depending upon whether the national total unemployment ratio falls below 7.0% or 6.8%, respectively. Benefits were paid from General Revenues of the Treasury and were offset by: (1) extending the phaseout of personal exemptions by one year (1996); (2) increasing corporate estimated taxes; (3) imposing penalties dealing with the rollover of pension distribution; and (4) from carryover pay-as-you-go financing from prior entitlement legislation. Amended the permanent Federal-State Extended Benefits Program effective March 7, 1993 by allowing states to use an optional trigger activating the program when the state's seasonally adjusted total unemployment rate (TUR) for the most recent 3 months for which data for all states are published is at least 6.5%, and that rate is at least 10% higher than the state's TUR for the same 3-month period in the first or second preceding year. An additional 7 weeks could be paid (at state option) if the TUR is 8% or more and the 10% higher requirement is met. Allow states to use one or more of the three eligibility criteria for determining the "20 week equivalency" test and suspended the job search, suitable work and re-employment requirements until January 1, 1995. The 1982 authorization allowing states to operate short-time compensation programs, which pay prorated benefits to individuals who are working less than full time because their employer has a plan approved by the state agency providing for a reduction in work hours rather than temporary layoffs, was extended permanently. The exclusion from FUTA coverage was extended for agricultural labor of an individual who is an alien admitted to the United States to perform work under Sections 214(c) and 101(a)(15)(H) of the Immigration and Naturalization Act. Extends by one year the grace period for avoiding the imposition of "penalty" FUTA taxes on employers in states with overdue "Title XII" loans, if the state amends its UI law in 1992 or 1993 to increase estimated revenues by at least 25 percent in the first year after enactment; the amount of FUTA funds going into the Federal Administration Account was reduced from 90% to 80% and the amount going into the Extended Unemployment Compensation Account (EUCA) was increased from 10% to 20%. The ceiling for the Federal Loan Account (FUA) was reduced from .625% of total wages in the covered employment to 0.25%; and the ceiling for the Extended Unemployment Compensation Account (EUCA) was increased from 0.375% to 0.5% of total wages in covered employment. Interest free borrowing among the federal accounts was authorized.
March 1993	(P.L. 103-6, The Emergency Unemployment Compensation Amendments of 1993, App. 3/4/93) Extends the EUC program through October 2, 1993. No new claims for EUC for weeks of unemployment beginning after October 2, 1993. No payment of EUC benefits to any individual for weeks of unemployment beginning after January 15, 1994. Financing is to be from general revenues. Provides a similar extension for recipients of Railroad Unemployment Benefits. Provides that the Secretary shall establish a program for encouraging the adoption and implementation of a system of profiling new claimants for regular unemployment compensation to identify which claimants are most likely to exhaust such benefits and who may be in need of reemployment assistance services to make a successful transition to new employment. All direct spending amounts provided for in the Act are determined to be "emergency", thus no offsets under the provisions of the Balanced Budget and Emergency Deficit Control Act of 1985.
August 1993	(P.L. 103-66, The Omnibus Budget Reconciliation Act of 1993, App. 8/10/93) Employer provided educational assistance is excludable from the definition of wages through December 31, 1994. Extends the 0.2% FUTA surtax for two additional years—through CY 1998. Extends the termination date for the TAA program for 3 years through September 30, 1996.
November 1993	(P.L. 103-152, The Unemployment Compensation Amendments of 1993, App. 11/24/93) Extends the EUC program through February 5, 1994. No new claims for EUC for weeks of unemployment beginning after February 5, 1994. No payment of EUC benefits to any individual for weeks of unemployment beginning after April 30, 1994. Duration is reduced to 13 weeks in high unemployment states and 7 weeks in all other states. Provides a similar extension for recipients of Railroad Unemployment Benefits. Repeals the provision giving certain claimants a choice between filing an EUC claim or a claim for regular state benefits. Specifies that each state's unemployment agency is required to establish a profiling system for the purpose of determining which claimants are most likely to exhaust their regular UC benefits, and refer such claimants to reemployment services available under any state or federal law. Provides that as a condition of eligibility for UC benefits, a claimant who has been referred to reemployment services pursuant to the (profiling system must participate in these or similar services unless the state agency determines that the claimant has completed such services, or there is justifiable cause for failure to participate. The profiling

requirement is effective one year after the date of enactment. Requires the Secretary of Labor to report to Congress, no later than 3 years after enactment, on the operation and effectiveness of the profiling system. Extends the due date for the first report of the Advisory Council on Unemployment Compensation to February 1, 1995. Financing provisions of the bill meet the requirements of the Budget Enforcement Act. The components of the financing are an increase in the sponsorship period for aliens under the supplemental security income (SSI) program, from 3 years to 5 years, and savings as a result of states implementing a system of worker profiling.

- November 1993 (P.L. 103-182, The North American Free Trade Agreement, App. 12/8/93) Amends Section 3306 of the IRC of 1986 permitting states to establish a "self-employment assistance program". Under the program individuals who are: eligible to receive regular unemployment compensation; identified (under a worker profiling system) as likely to exhaust regular UC; participating in self-employment assistance activities; and engaged on a full-time basis in activities relating to the establishment of a business, are eligible to receive an allowance payable in the same amount, same interval, on the same terms, and subject to same conditions, as regular UC-for the purpose of becoming self-employed. Such individuals would be exempted from the state requirements pertaining to availability for work, active work search, refusal of acceptable work, and disqualifying income applicable to income earned from self-employment. Should a state implement such a program the aggregate number of individuals in the program shall not exceed 5 percent of the number of individuals receiving compensation under the state law at such time, and that the costs of the program do not exceed costs incurred by the state (and charged to the UTF) had it not participated in the program. Conforming amendments are made to Sections 3304(a)(4) and 3306(f) of the IRC, and Section 303(a)(5) of the SSA, to allow for the withdrawal of funds for the payment of allowances under a self-employment assistance program. Any state participating in the program shall report annually to the Secretary of Labor on relevant aspects of program operations. And not later than 4 years after the date of enactment of this Act, the Secretary of Labor shall submit a report to Congress with respect to the operation of the program. Amendments made by this section shall take effect upon enactment of this Act, and shall terminate 5 years after the date of enactment.
- August 1994 (P.L. 103-296, The Social Security Independence and Program Improvements Act of 1994, App. 8/15/94) Gives states the option of excluding from coverage services performed by aliens who are admitted to the United States under a "q" visa. A "q" visa is a temporary visa issued to aliens (for a period not to exceed 15 months) who are participating in an international cultural exchange program providing practical training, employment and sharing of the history, culture, and traditions of the country of the alien's nationality and who will be employed under the same wages and working conditions as domestic workers. The law change takes effect December 31, 1994.
- October 1994 (P.L. 103-387, The Social Security Domestic Employment Reform Act of 1994, App. 10/22/94) Authorizes the U.S. Secretary of the Treasury to enter into agreements with states to collect state unemployment taxes from employers of domestic workers by allowing individuals to report wages paid to these workers on Form 1040 of their federal income tax returns. However, states are not required to enter into agreements with the Secretary of the Treasury. Any amounts collected under an agreement will be transferred by the Secretary of the Treasury to the Account of the state in the Unemployment Trust Fund. This provision will apply to remuneration paid after Dec. 31, 1994.
- December 1994 (P.L. 103-465, The Uruguay Round Agreements Act, App. 12/8/94) Requires each state to establish a system for withholding federal income tax from UI benefits. That withholding can occur at the option of the claimant, who will be asked at the time they file their claim whether or not they want federal income taxes withheld. If so, the amount withheld is a flat 15% rate. Permits states to allow claimants to elect to have state and local income tax withheld from their benefits. Administrative expenses for which states can be reimbursed could include the cost of conducting federal income tax withholding. The provision is effective for UI benefits paid after December 31, 1996.
- August 1996 (P.L. 104-188, Small Business Job Protection Act of 1996, App. 8/20/96). The exclusion from FUTA coverage of an individual who is an alien admitted to the United States to perform work under sections 214(c) and 101(a)(15)(h) of the Immigration and Naturalization Act was made permanent, retroactive to January 1, 1996.
- August 1996 (P.L. 104-191, The Health Coverage Availability and Affordability Act of 1996, App. 8/21/96). Amended the definition of wages in section 3306(b), FUTA, to exclude remuneration paid to or on behalf of an employee if (and to the extent that) at the time of the payment it is reasonable to believe that a corresponding deduction is allowable for Medical Savings Account under section 106(b) of the Internal Revenue Code.
- August 1996 (P.L. 104-193, Personal Responsibility and Work Opportunity Reconciliation Act, App. 8/22/96). Requires each state to establish and operate an automated State Directory of New Hires (SDNH) by October 1, 1997, that will contain information supplied by employers on each newly hired employee. A report must be furnished for each newly hired employee and contain the name, address, and Social Security Number (SSN) of the employee, and the name, address and assigned identification (ID) number of the employer under the Internal Revenue Code (IRC) of 1986. Requires employers to report new hires to the SDNH no later than 20 days after the date the employee is hired. Reporting is required on a W-4 format or equivalent and may be transmitted by first class mail, magnetically or electronically. Requires agencies designated by the

August 1996	state, either directly or by contract, to compare SSNs of new hires submitted by employers with SSNs in the child support case registry beginning May 1, 1998. Amends section 1137(a)(3) of the SSA to require state and local governmental entities and labor organizations to make quarterly wage reports to a state agency. Amends section 303(e) of the SSA to permit state and local child support enforcement (CSE) agencies to redisclose wage information to any agent of the state and local CSE agencies. The agents are subject to the same safeguards as the CSE agencies, state agencies responsible for administering a program specified section in 1137(b) will have access to the SDNH for purposes of verifying eligibility for the program. State agencies operating employment security and workers' compensation programs will have access to information reported by employers to the SDNH for the purpose of administering such programs. Requires the Secretary of Health and Human Services (HHS) to establish and maintain within the Federal Parent Locator Highlights of State Unemployment Compensation Laws 2012 135 Service (FPLS) a National Directory of New Hires (NDNH) by October 1, 1997. Requires federal agencies to report new hires and wages directly to the NDNH. Section 3304(a)(16) of the IRC of 1986 replaces the reference to the Secretary of Health, Education, and Welfare with the Secretary HHS and requires that wage and unemployment compensation information contained in records of the state UI agency be furnished to the Secretary of HHS for the purposes of the NDNH. Section 303(h) is amended to require that the state UI agency provide wage record and claim information quarterly to the Secretary of HHS, ensure that the information is correct and verified, and establish safeguards (as determined by the Secretary of Labor) to ensure that the information is used only for the purposes of carrying out the child support enforcement program under Title IV.
August 1997	(P.L. 105-33, Balanced Budget Act of 1997, App. 8/5/97) Clarifies that federal law does not preempt state authority to define the base period used to determine benefit eligibility. (Overturns decision by 7th Circuit U.S. Court of Appeals in Pennington v. Doherty, holding that the federal requirement for states to maintain "proper and efficient administration" of their unemployment compensation program can require adoption of an "alternative base period.") Increases the statutory ceiling on the Federal Unemployment Account (FUA) from 0.25% to 0.5% of covered wages, effective October 1, 2001. Provides for a special FUTA distribution for administrative funding in FY 2000, 2001 and 2002. Provides for interest-free advances to state accounts in the Unemployment Trust Fund for states which meet funding goals established under regulations issued by the Secretary. Removes services performed by a person committed to a penal institution from the definition of employment under FUTA. Creates FUTA exemptions for services of election officials who receive less than \$1,000 in a calendar year, and for employees of an elementary or secondary school operated primarily for religious purposes. Authorizes additional funding for FY 1998 - 2002 to carry out program integrity activities. (Editor's note: Funds were not appropriated in FY 1998.)
August 1997	(P.L. 105-34, The Taxpayer Relief Act of 1997, App. 8/5/97) Extends the 0.2% FUTA surtax for nine additional years - through CY 2007.
August 1998	(P.L. 105-220, Workforce Investment Partnership Act of 1998, App. 8/7/98). Amends, consolidates and improves existing federal programs established under the Job Training Partnership Act (JTPA), the Adult Education Act, and the Wagner-Peyser Act. Consolidates more than 60 employment, training, and literacy programs through the establishment of three block grants to states and localities, and through amendments to the Rehabilitation Act of 1973.
October 1998	(P.L. 105-277, U.S. Department of Labor Appropriations Act, 1999, App. 10/21/98). Makes appropriations for FY 1999 for the Department of Labor. Includes funding for federal unemployment benefits and allowances; state unemployment insurance and employment service operations; and advances to the Unemployment Trust Fund.
October 1998	(P.L. 105-306, Noncitizen Benefit Clarification and Other Technical Amendments Act of 1998, App. 10/28/98). Makes technical amendments to clarify the provision of benefits for noncitizens, and to improve the provision of unemployment insurance, child support, and supplemental security income benefits. Amends the Personal Responsibility and Work Opportunity Act of 1996 (PRAWORA) to impose new restrictions on alien eligibility. (Sec. 3) Amends the North American Free Trade Agreement Implementation Act (NATFA) to permanently extend federal authorization for the Self-Employment Assistance program.
November 1999	(P.L. 106-113, Consolidated Appropriations Act, 2000, App. 11/29/99). Reauthorizes programs under the Trade Adjustment Assistance Act and the North American Transitional Assistance Act through September 20, 2001. In order to receive allowances, individuals must have been entitled to unemployment compensation during a specified period and must have exhausted all rights to such benefits, along with other conditions.
December 1999	(P.L. 106-170, Ticket to Work and Work Incentives Improvement Act of 1999, App. 12/17/99). Extends the exclusion from the definition of wages for federal unemployment tax purposes of employer provided educational assistance for undergraduates. This Act also allows the states the option of permitting domestic service employers to file annual, rather than quarterly, wage reports required under section 1137 of the SSA.
October 2000	(P.L. 106-386, The Victims of Trafficking and Violence Protection Act of 2000, App. 10/28/00). Requires the Secretary of Labor (in consultation with the Attorney General) to do a study of state UI laws relating to victims of domestic violence. DOL is directed to "identify the State laws that address the separation from employment of an employee due to circumstances directly resulting from the experience of domestic violence." The study is due one year after date of enactment.

December 2000	(P.L. 106-554, The Consolidated Appropriations Act, 2001, App. 12/21/00). Amended federal law to exempt from FUTA services performed in the employ of American Indian Tribes. State laws must cover these services, and states must offer tribes the reimbursement option. EB payments no longer qualify for federal sharing. Indian tribes that do not make the required payments to the State's unemployment fund or payments of penalty or interest, will become liable for the FUTA tax, and the State may remove tribal services from State coverage. States with "Indian tribes" (as defined by the CAA amendments) must amend their laws to implement these requirements.
June 2001	(P.L. 107-16, The Economic Growth and Tax Relief Reconciliation Act of 2001, App. 6/7/02). The voluntary withholding rate of Federal income taxes on unemployment insurance benefits has been reduced from fifteen to ten percent. The amendment applies to amounts paid after the sixtieth day of enactment, or payments made on or after August 7, 2001. States whose unemployment insurance laws contain generic language regarding the withholding requirement can implement the new percentage without changing their law. But the five states with provisions including the fifteen percent rate language will need to amend their unemployment insurance laws to change the withholding rate. The law also affects the exclusion of employer provided educational assistance from the Federal Unemployment Tax Act definition of wages. The exclusion has been extended to graduate education and is permanent for undergraduate and graduate education courses. This amendment is effective with respect to courses that students began after December 31, 2001. The states can amend their unemployment insurance laws to include this provision.
March 2002	(P.L. 107-147, The Job Creation and Worker Assistance Act of 2002, App. 3/9/02). The bill has: (1) An \$8 billion Reed Act distribution, which states can spend on benefits or (through state appropriations) UI/ES administrative costs. (2) A 13 week extension (Temporary Extended Unemployment Compensation - TEUC) of UI benefits for workers who file claims after March 15, 2001. Special eligibility provisions borrowed from the permanent extended benefits (EB) program limit TEUC to workers who had at least 20 weeks of work or the equivalent in their base period. But TEUC eligibility is not determined by other EB criteria, including the waiting week requirement and federal work search and availability tests. The duration of basic TEUC is equal to 50% of regular UI duration, not to exceed 13 weeks. TEUC benefits are 100% FUTA funded. (3) Extended TEUC (for up to an additional 13 weeks) is payable in states that (a) have at least a 4% insured unemployment rate (IUR) and (b) a 20% increase in the IUR compared to the prior two years.
March 2002	(P.L. 107-154, 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, App. 3/25/02). The bill extends Disaster Unemployment Assistance (DUA) for victims of the September 11 terrorist attacks to 39 weeks. DUA benefits are normally available for a maximum of 26 weeks to individuals whose employment or self-employment has been lost or interrupted as a direct result of a major disaster declared by the President.
August 2002	(P.L. 107-210, Trade Act of 2002, App. 8/6/02. The bill modifies the federal Trade Adjustment Assistance Program (TAA). The TAA program provides income support, training, and other assistance above and beyond basic state unemployment insurance (UI) benefits for trade-impacted workers (in addition, there are related programs for communities and firms). The bill expands TAA eligibility to "secondary workers," farmers, and fishermen; extends benefit duration to 74 weeks (including regular and extended UI); increases weekly unemployment checks for high wage workers over age 50 who take lower paying jobs; and creates a federally subsidized COBRA health insurance program for TAA-eligible workers.
April 2003	A special TEUC program for airline and related workers was created in April 2003 (P.L. 108-11). This program, called TEUC-A, provides benefits to workers who are employed by domestic air carriers, at a facility at an airport, or at an upstream producer or supplier for an air carrier and are separated because of the terrorist acts of September 11, a security measure taken in response to such actions, or the military conflict in Iraq. Under TEUC-A, up to 39 weeks of benefits are available to eligible individuals in all States, and up to an additional 13 weeks in States with high unemployment. Individuals who have amounts remaining in their TEUC accounts at the end of December 2003 can collect that amount through December 2004. All TEUC-A benefits and administrative costs are federally financed.
May 2003	The Temporary Extended Unemployment Compensation (TEUC) program, originally enacted in March 2002, and scheduled to expire in December 2002, was extended twice during 2003. The first extension went through May (P.L. 108-1) and the second through December (P.L. 108-26). Under TEUC, up to 13 weeks of benefits are available to eligible individuals in all States, and up to an additional 13 weeks in States with high unemployment, for a total of 26 weeks. Individuals who have amounts remaining in their TEUC accounts at the end of December can collect that amount through March 2004. All TEUC benefits and administrative costs are federally financed.

August 2004	The (SUTA) Dumping Prevention Act of 2004 (P.L. 108-295) requires States to enact laws prohibiting SUTA dumping. (SUTA refers to State unemployment tax acts.) SUTA dumping is an abusive practice used by some employers to manipulate experience rating provisions of State law that apply when businesses are bought and sold. States must (a) prohibit practices that allow employers to pay lower State unemployment compensation taxes than their unemployment experience would otherwise allow; (b) have procedures to detect such practices; and (c) impose penalties on employers and financial advisors for knowingly violating (or attempting to violate) provisions of State law. States must enact these provisions as a condition of receiving administrative grants for operation of the unemployment compensation program. The act also authorizes States to access the Department of Health and Human Services' National Directory of New Hires (NDNH) for administration of the Federal or State unemployment compensation program. States' access to this directory allows for the quick detection of individuals who continue to collect unemployment compensation benefits after returning to work. This approach is a means of combating unemployment insurance fraud and preventing overpayments.
October 2005	The QI, TMA and Abstinence Programs Extension and Hurricane Katrina Unemployment Relief Act of 2005 (P.L. 109-91) transfers \$500 million from the Federal Unemployment Account in the Unemployment Trust Fund to the accounts of Alabama (\$15), Louisiana (\$400), and Mississippi (\$85) to assist the states in meeting benefit payment obligations following Hurricane Katrina. The Act also permits any state, on or after August 28, 2005, to use unemployment insurance administrative funds on behalf of any other state to assist workers seeking unemployment insurance if a major disaster was declared as a result of Hurricane Katrina in such other state or any area in such other state.
December 2005	Department of Defense Appropriations Act, 2006 (P.L. 109-148) extends the obligation period for Alabama, Louisiana, and Mississippi from December 31, 2005, to September 30, 2006, for funds provided under the FY 2005 appropriation for activities authorized by Title III of the Social Security Act, except that for funds used for automation, extends the obligation period from September 30, 2007, to September 30, 2008.
March 2006	Katrina Emergency Assistance Act of 2006 (P.L. 109-176) provides that unemployment assistance as a result of disaster declarations made for Hurricanes Katrina and Rita (on or after August 29, 2005) shall be made available for 39 weeks after the date of the disaster declarations.
August 2006	Pension Protection Act of 2006 (P.L. 106-280) prohibits states from reducing or offsetting an individual's unemployment benefits because an employer-sponsored pension plan or individual retirement account (IRA) is rolled over into another tax-deferred account.
February 2007	Revised Continuing Appropriations Resolution, 2007 (P.L. 110-5) provides that any federal equity acquired in real property through grants to States awarded under title III of the SSA or under the Wagner-Peyser Act is transferred to the States that used the grants for the acquisition of such equity. A State shall not use funds awarded under this Act, the Wagner-Peyser Act, or title III of the SSA to amortize the costs of real property that is purchased by any State on or after February 15, 2007.
December 2007	Energy Independence and Security Act of 2007 (P.L. 110-140) extends the 0.2 percent FUTA surtax for 1 year through 2008.
June 2008	Supplemental Appropriations Act of 2008 (P.L. 110-252) provides \$110 million to the states for the administration of the unemployment insurance program. Funds may be expended from the Employment Security Administration Account in the Unemployment Trust Fund, and are to be used for unemployment insurance workloads experienced by the States through September 30, 2008. Funds will be available for Federal obligation through December 31, 2008. Provides for payment of Emergency Unemployment Compensation (EUC 08) to eligible individuals under agreements between States and the Secretary of Labor. EUC 08 is in effect for weeks of unemployment beginning after the date agreement entered into and ending on or before March 31, 2009. Provides for phase-out (soft cut off) for individuals with amounts remaining in their accounts as of March 31, 2009. No EUC 08 is payable after June 30, 2009. To be eligible, individuals must: have exhausted all rights to regular compensation; have no rights to regular or extended compensation; not be receiving compensation under the UI law of Canada; and have a base period ending on May 1, 2007 or later. Terms and conditions of state law apply except that the individual must have 20 weeks of full time insured employment or the equivalent (1½ times the high quarter wages or 40 times the weekly benefit amount) in insured wages during the base period. Aliens who are not legally authorized to work in the United States are ineligible to receive emergency unemployment compensation. The governor of a state that is in an extended benefit (EB) period may elect to pay EUC 08 prior to EB. Entitlement is equal to the lesser of 50 percent of regular compensation or 13 times the weekly benefit amount.
September 2008	SSI Extension for Elderly and Disabled Refugees Act of 2008 (P.L. 110-328) permits states to use the Treasury Offset Program to recover covered unemployment compensation debts through offset from Federal income tax refunds. Defines covered unemployment compensation debt to mean: a past-due debt for erroneous payment of UC due to fraud which has become final under the state's UC law and which remains uncollected for not more than 10 years; contributions due to the unemployment fund of a state for which the state has determined the person to be liable due to fraud and which remain uncollected for not more than 10 years; and any penalties and interest (P&I) assessed by the state on the above debts. Offset is permitted



only if the address on the Federal return for such taxable year of the overpayment is an address within the state seeking the offset. Requires the state to: notify the person owing the debt of the proposed action by certified mail with return receipt; provide at least 60 days to present evidence that the liability is not legally enforceable or due to fraud; consider evidence presented and make a determination; and ensure that reasonable efforts to obtain payment have been made. Provision shall not apply to refunds payable 10 years after the date of enactment.

October 2008 Energy Improvement and Extension Act of 2008 (P.L. 110-343) extends the 0.2 percent FUTA surtax for one year through December 31, 2009.

November 2008 Unemployment Compensation Extension Act of 2008 (P.L. 110-449). Increases the basic Emergency Unemployment Compensation 2008 (EUC 08) entitlement by up to 7 weeks, for a total of up to 20 weeks of benefits. Creates a second tier of EUC 08 benefits in states with "high unemployment." Provides up to 13 additional weeks of EUC 08 to eligible jobless workers for a total of up to 33 weeks of benefits. In order to be considered "high unemployment," a state must meet one of the following criteria: state's unemployment level meets one of the thresholds required to trigger "on" to the permanent Extended Benefits program; state's insured unemployment rate for a week and the preceding 12 weeks is at least 4.0%; or state's 3-month seasonally adjusted total unemployment rate is at least 6.0%. The determination of whether a state is in a "high unemployment" period will be made as if this provision were in the initial EUC 08 enactment on June 30, 2008. The EUC 08 program still ends on March 31, 2009. However, individuals collecting benefits as of this date (whether basic or second tier) can collect any remaining entitlement through November 27, 2009. Provides for the temporary suspension of the prohibition on Federal sharing of the costs of the first week of Extended Benefits or sharable regular compensation for states that do not have a non-compensable waiting period/states that compensate the waiting period under certain circumstances for weeks of unemployment beginning after enactment and ending on or before December 8, 2009.

February 2009 American Recovery & Reinvestment Act of 2009 (P.L. 111-5)[HR1] The act (1) appropriates \$250M to states for reemployment services for unemployment insurance (UI) claimants including information technology required to identify and serve the needs of such claimants; (2) excludes from Federal income taxation the first \$2,400 of unemployment compensation received in 2009; (3) provides workers with a new entitlement to employment and case management services, and designates funds for that purpose; (4) permits cooperating state agencies (CSAs) to waive requirements, as necessary, to ensure the eligibility for program benefits of returning service members in the same manner and to the same extent as if the service member had not served a period of duty; (5) provides protections for workers covered under certifications delayed by judicial and administrative appeals; (6) revises the prohibition against determining an adversely affected worker ineligible for UI benefits because of training or other specified reasons; (7) provides minimum requirements for CSA reviews of waivers of the training requirement; (8) increases from \$220M to \$575M the statutory cap on funds that may be allocated to the states for training per year for FY 2009 and 2010, and changes how DOL apportions those funds; (9) extends the ending date for the Emergency Unemployment Compensation (EUC) program for new entrants from March 31, 2009 to Dec. 31, 2009; (10) extends the ending date for phase out for current beneficiaries from Aug. 27, 2009 to May 31, 2010; (11) transfers funds from the general fund of the Treasury to the extended unemployment compensation account and the employment security administration account for payment of EUC benefits and administration resulting from the extensions noted above; (12) provides for a federally funded \$25 increase in unemployment compensation weekly benefit amounts (Federal Additional Compensation). States are prohibited from modifying the method of computation of regular compensation if it results in the average weekly benefit amount of regular compensation being lower than it was on December 31, 2008; (13) appropriates funds from the general fund of the Treasury for these benefits and related administrative expenses. Effective for weeks of unemployment beginning after the state enters an agreement to make these payments and ending before Jan. 1, 2010; (14) provides for phase out for current beneficiaries ending on June 30, 2010; (15) makes available through Sept. 30, 2011, \$7 billion for incentive payments in the Federal Unemployment Account for states whose UI laws include certain provisions (UI Modernization Incentive Payments). These funds can be used for UC benefits, or UI or ES administration, if appropriated by state legislature. Eligibility for a state's share is divided into two components: (a) one-third of state's share –State law must provide for either a base period that uses the most recently completed calendar quarter or an alternative base period that uses the most recently completed calendar quarter for individuals not otherwise eligible because of use of a base period that does not include the most recently completed calendar quarter; and (b) remaining two-thirds of state's share –State law must meet the base period requirement above and must contain at least two of the following four provisions: i) individuals shall not be denied from receiving benefits under provisions relating to availability for work, active search for work, or refusal to accept work solely because they are seeking only part-time work if a majority of the weeks of work in the base period include part-time work; ii) individuals shall not be disqualified from receiving benefits due to separation from employment if that separation is for a compelling family reason. Compelling family reason means: • domestic violence verified by documentation which causes individuals to reasonably believe continued employment would jeopardize their or any immediate family member's safety, • the illness or disability of a member of the individuals' immediate family, or • the need for individuals to accompany their spouse to a place from which it is impractical for them to commute and due to a change in location of the spouse's employment;

(iii) individuals who have exhausted all rights to regular unemployment compensation, and who are enrolled in and making satisfactory progress in a state-approved training program or in a job training program authorized under the Workforce Investment Act of 1998 shall be entitled to an additional amount of benefits equal to twenty-six times their average weekly benefit amount for the most recent benefit year. Such training programs shall prepare individuals who have been separated from a declining occupation or who have been involuntarily separated from employment due to a permanent reduction in operations at their place of employment for entry into a high demand occupation; (iv) dependents' allowances of at least \$15 per dependent per week, subject to a minimum aggregation of the lesser of \$50 per week or 50% of the individual's weekly benefit amount, are paid to eligible beneficiaries; (16) provides for a \$500M transfer from the employment security administration account to the state accounts in the unemployment trust fund. Use of funds is limited to the administration of the UC modernization incentive provisions, outreach to individuals who may now be eligible for UC benefits due to the UC modernization incentive provisions, improvement of UC benefit and tax operations, and staff-assisted reemployment services to UC claimants; (17) waives interest payments due on any advances and accrual of interest on any advances through Dec. 31, 2010; (18) provides for 100% Federal funding of extended benefits (EB) for weeks of unemployment beginning before January 1, 2010. Provides for phase-out for current beneficiaries until June 1, 2010; (19) extends the ending date of provision for Federal funding of the first week of EB in states with no waiting week from Dec. 8, 2009 to May 30, 2010; (20) permits states, for purposes of determining eligibility for EB, to expand the definition of an individual's eligibility period to include any week beginning after an individual exhausts EUC during an EB period in the state. Effective for weeks of unemployment beginning before Jan. 1, 2010 with phase out for current beneficiaries ending on June 1, 2010; (21) provides a temporary increase in extended unemployment benefits under the Railroad UI Program from 65 days to 130 days through Dec. 31, 2009 and makes appropriations to cover the costs.

- March 2009 Energy Improvement and Extension Act of 2008 (P.L. 110-343) extends the 0.2 percent FUTA surtax for one year through December 31, 2009. Omnibus Appropriation Act, 2009 (P.L. 111-8)[HR 1105] The act makes \$422 million available through September 30, 2010 for repayable advances to the Unemployment Trust Fund (UTF) for payment of extended compensation under the Federal- State Extended Unemployment Compensation Act of 1970 and advances to states for payment of compensation, and non-repayable advances to the UTF for payments to states for compensation paid to Federal employees.
- August 2009 The act amends the Omnibus Appropriation Act, 2009 to make available, without fiscal year limitation, such sums as may be necessary for advances to the Unemployment Trust Fund. (P.L. 111- 46) [HR 3357]
- November 2009 Worker, Homeownership, and Business Assistance Act of 2009 (P.L. 111-92) [HR 3548] The act: (1) increases the second tier Emergency Unemployment Compensation 2008 (EUC 08) entitlement by 1 week, for a total of up to 14 weeks of second tier benefits, and makes the second tier available in all states; (2) creates a third tier of EUC 08 in states in an "extended benefit period"; (3) provides up to 13 weeks of third tier benefits. In order to be considered to be in an "extended benefit period" for third tier benefits, a state must meet one of the following criteria: (a) state's insured unemployment rate for a week and the preceding 12 weeks is at least 4.0%; or (b) state's 3-month seasonally adjusted total unemployment rate is at least 6.0%; (4) creates a fourth tier of EUC 08 in states in an "extended benefit period"; (5) provides up to 6 weeks of fourth tier benefits. In order to be considered to be in an "extended benefit period" for fourth tier benefits, a state must meet one of the following criteria: (a) state's insured unemployment rate for a week and the preceding 12 weeks is at least 6.0%; or (b) state's 3-month seasonally adjusted total unemployment rate is at least 8.5%. The determination of whether a state is in an "extended benefit period" will be made as if these provisions were in the initial EUC 08 enactment on June 30, 2008. Permits states to pay third tier benefits before the increased second tier if the state determines that paying increased second tier benefits first would unduly delay the prompt payment of EUC 08; (6) allows states to pay Extended Benefits (EB) prior to the payment of the fourteenth week of the second tier, and the third and fourth tiers of EUC 08 if the individual claimed EB for at least 1 week of unemployment after the exhaustion of first tier EUC 08; (7) transfers funds from the general fund of the Treasury to the extended unemployment compensation account and the employment security administration account for payment of EUC benefits and administration resulting from the extensions noted above; (8) amends the "compelling family reason" criterion for qualifying for the remaining two-thirds UI Modernization Incentive Payments of a state's share by allowing a state to consider either, or both of the following as good cause for separating from employment (previously only the domestic violence provision was required): (a) domestic violence verified by documentation which causes individuals to reasonable believe continued employment would jeopardize their or any immediate family member's safety; or (b) sexual assault, verified by reasonable and confidential documentation as the State law may require, which causes the individual reasonably to believe continued employment would jeopardize the safety of the individual or of any member of the individual's immediate family. A state cannot qualify for the incentive payment if its law is amended to make access to unemployment benefits less broad in this respect; (9) provides that the monthly equivalent of any FAC shall be disregarded after November 6, 2009 for the purposes of determining an individual's eligibility for Supplemental Nutrition Assistance Program (SNAP) benefits; (10) provides an extension of extended unemployment benefits under the Railroad UI Program through December 31, 2010 and makes appropriations to cover the costs; and (11) extends the 0.2 percent FUTA surtax for one year and six months through June 30, 2011.

December 2009	Department of Defense Appropriations Act of 2010 (P.L. 111-118) [HR 3326] The act: (1) extends the end date for the Emergency Unemployment Compensation (EUC) program for new entrants from December 31, 2009 to February 28, 2010; (2) extends the ending date for phase-out for current beneficiaries from May 31, 2010 to July 31, 2010; (3) extends the end date for the Federal Additional Compensation (FAC) program from January 1, 2010 to February 28, 2010; (4) extends the ending date for phase-out for current beneficiaries from June 30, 2010 to August 31, 2010; (5) extends the end date for 100% Federal funding of extended benefits (EB) and the expanded EB eligibility provision from January 1, 2010 to February 28, 2010; (6) extends phase-out for current beneficiaries from June 1, 2010 to July 31, 2010; (7) extends the end date of the provision for Federal funding of the first week of EB in states with no waiting week from May 30, 2010 to July 31, 2010.
March 2010	Temporary Extension Act of 2010 (P.L. 111-144) approved March 2, 2010 [HR 4691] The act: (1) extends the end date for the Emergency Unemployment Compensation (EUC) program for new entrants from February 28, 2010 to April 5, 2010; (2) extends the ending date for phase-out for current beneficiaries from July 31, 2010 to September 4, 2010; (3) extends the end date for the Federal Additional Compensation (FAC) program from February 28, 2010 to April 5, 2010; (4) extends the ending date for phase-out for current beneficiaries from August 31, 2010 to October 5, 2010; (5) extends the end date for 100% Federal funding of extended benefits (EB) and the expanded EB eligibility provision from February 28, 2010 to April 5, 2010; (6) extends phase-out for current beneficiaries from July 31, 2010 to September 4, 2010; and (7) extends the end date of the provision for Federal funding of the first week of EB in states with no waiting week from July 31, 2010 to September 4, 2010.
April 2010	Continuing Extension Act of 2010 (P.L. 111-157) approved April 15, 2010 [HR 4851] The act: (1) extends the end date for the Emergency Unemployment Compensation (EUC) program for new entrants from April 5, 2010 to June 2, 2010; (2) extends the ending date for phase-out for current beneficiaries from September 4, 2010 to November 6, 2010; (3) extends the end date for the Federal Additional Compensation (FAC) program from April 5, 2010 to June 2, 2010; (4) extends the ending date for phase-out for current beneficiaries from October 5, 2010 to December 7, 2010; (5) extends the end date for 100% Federal funding of extended benefits (EB) and the expanded EB eligibility provision from April 5, 2010 to June 2, 2010; (6) extends phase-out for current beneficiaries from September 4, 2010 to November 6, 2010; (7) extends the end date of the provision for Federal funding of the first week of EB in states with no waiting week from September 4, 2010 to November 6, 2010; and (8) states that these provisions take effect as if included in the Temporary Extension Act of 2010 (P.L. 111-144), enacted on March 2, 2010.
July 2010	Unemployment Compensation Extension Act of 2010 (P.L. 111-205) approved July 22, 2010 [HR 4213] The act: (1) extends the end date for the Emergency Unemployment Compensation (EUC) program for new entrants from June 2, 2010, to November 30, 2010; (2) extends the ending date for phase-out for current beneficiaries from November 6, 2010, to April 30, 2011; (3) authorizes continued general revenue funding of EUC benefits and administrative costs; (4) extends the end date for 100% Federal funding of extended benefits (EB) and the expanded EB eligibility provision from June 2, 2010, to December 1, 2010; (5) extends phase-out for current beneficiaries from November 6, 2010, to May 1, 2011; (6) extends the end date of the provision for Federal funding of the first week of EB in states with no waiting week from November 6, 2010, to April 30, 2011; (7) provides that if: (a) claimants were determined to be entitled to EUC with respect to a benefit year; (b) that benefit year expired; (c) claimants have remaining entitlement to EUC with respect to that benefit year; and (d) their weekly benefit amount of regular compensation in a new benefit year would be at least either \$100 or 25 percent less than their initial weekly benefit amount, the state would determine whether they will receive EUC or regular compensation by using one of four options: (i) Option 1: Establish a new benefit year for the individual, but defer payment of regular compensation until the EUC claim has been exhausted; (ii) Option 2: Defer the establishment of the new benefit year and “freeze” the base period wages currently available for use in establishing a benefit year when the EUC claim has been exhausted; (iii) Option 3: Establish the new benefit year, commence regular compensation payments, and augment the new weekly benefit amount with funds from the claimant’s EUC account equal to the difference between the new regular compensation weekly benefit amount and the older EUC claim’s weekly benefit amount; or (iv) Option 4: Continue to pay the EUC claim if the individual elects not to file a claim for regular UI in the new benefit year; (8) makes the previous EUC provision applicable to claimants whose benefit years expire after the date of enactment; (9) prohibits states from modifying the method of computation of regular compensation if it results in the average weekly benefit amount of regular compensation (disregarding any Federal Additional Compensation payable) being lower than it was on June 2, 2010; and (10) except for coordination of EUC with regular compensation, makes these provisions effective as if included in the Continuing Extension Act of 2010(P.L. 111-157), enacted on April 15, 2010.

December 2010	<p>Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (P.L. 111- 312) approved on December 17, 2010 [HR 4853] The act: (1) amends the Supplemental Appropriations Act of 2008 with respect to the state-established individual emergency unemployment compensation account; (2) extends the final date for entering a federal-state agreement under the Emergency Unemployment Compensation (EUC) program through January 3, 2012; (3) postpones the termination of EUC until June 9, 2012; (4) amends the Assistance for Unemployed Workers and Struggling Families Act to extend until January 4, 2012 that requires federal payments to states cover 100% of EUC; (5) amends the Unemployment Compensation Extension Act of 2008 to exempt weeks of unemployment between enactment of this Act and June 10, 2012, from the prohibition in the Federal-State Extended Unemployment Compensation Act of 1970 against federal matching payments to a state for the first week in an individual's eligibility period for which extended compensation or sharable regular compensation is paid if the state law provides for payment of regular compensation to an individual for his or her first week of otherwise compensable unemployment ; (6) amends the Federal -State Extended Unemployment Compensation Act of 1970 to authorize a state to apply certain requirements of the Act, with specified substitutions, for determining an extended unemployment compensation period by requiring the state's "on" and "off" indicators to be based on its rate of insured unemployment and rate of total unemployment for the period beginning on the date of enactment of this Act (or, if later, the date established pursuant to state law) and ending on or before December 31, 2011; and (7) amends the Internal Revenue Code, as amended by the Claims Resolutions Act of 2010, to amend the definition of a "covered unemployment compensation debt" relating to the amount that states may receive from a reduction of an overpayment otherwise payable to a person who owes such debt.</p>
October 2011	<p>The Trade Adjustment Assistance Extension Act of 2011 (P.L. 112-40) approved October 21, 2011 [HR 2832] The act: (1) extends the Trade Adjustment Assistance program retroactive to February 13, 2011 by requiring reconsideration of denied petitions filed after February 12, 2011 and for petitions certified between February 13, 2011 and October 21, 2011, gives workers the option to choose the TAA program as amended by P.L. 112-40, but workers must have exercised the choice option between December 20, 2011 and March 19, 2012; (2) eliminates coverage for workers in a public agency from the group eligibility requirements for TAA; (3) eliminates waivers from training requirements for workers who are subject to recall by the firm from which they separated, workers with marketable skills, and workers expected to retire within 2 years who receive Trade Readjustment Assistance (TRA) payments effective through December 31, 2014; (4) reduces the maximum number of additional weeks for TRA payments for workers in training from 78 weeks in a 91-week period to 65 weeks in a 78-week period effective through December 31, 2014; (5) eliminates remedial and prerequisite training as an eligibility factor for additional weeks of TRA; (6) changes the requirements for workers in training who have exhausted additional TRA to receive an additional 13 weeks TRA to: (a) require training that leads to the completion of a degree or industry-recognized credential (previously remedial and prerequisite training); and (b) require workers to participate in training each week, substantially meet the performance benchmarks established as part of the approved training, continue to make progress toward completion, and complete the training during the period of eligibility effective through December 31, 2014; (7) changes the cap for training funds available to states to include relocation allowances, employment and case management services, and job search allowances by authorizing \$575,000 for each fiscal year 2012 and 2013 and \$143,750,000 through December 31, 2013 for services; (8) limits state administration costs for TAA to not more than 10 percent (previously 2/3) of a state's allocation and requires that at least 5 percent (previously 1/3) of the funds be used to provide case management and employment services; (9) allows the Secretary to recapture unexpended TAA funds from states and reallocate to states with a demonstrated pattern of need; (10) allows state discretion in providing job search and relocation allowances; (11) limits the amount of funds for each to not more than 90 percent (previously all) of the total costs, not to exceed \$1250 (previously \$1500); (12) reduces the wage supplement for older workers under the Reemployment Trade Adjustment Assistance (RTAA) program to \$10,000 (was \$12,000); (13) changes the income eligibility limit for RTAA to workers earning less than \$50,000 (was \$55,000); (14) adds a new core performance indicator to require reporting of the percentage of workers who obtain a recognized postsecondary credential, including an industry recognized credential, or a secondary school diploma effective October 1, 2011; (15) requires the Department of Labor to update the data collection system by October 1, 2012 to include more information on payments made to workers, types of training, worker demographics and outcomes, and program costs by categories of services; (16) states the amendments made by the Trade Adjustment Assistance Extension Act of 2011 will sunset on December 31, 2013 with the exception of the following provisions related to training: (a) eliminating training waivers; (b) eliminating additional 26 weeks of TRA for remedial or prerequisite training; and (c) allowing 13 additional weeks for completion of a degree or industry-related credential; (17) states the provisions established by the Trade Act of 1974, as amended by the Trade Act of 2002, will be in effect January 1, 2014 through December 31, 2014; (18) reauthorizes appropriations for the TAA program through December 31, 2014; (19) amends the Social Security Act to require states, within two years from the date of enactment, to assess a penalty of not less than 15% of the amount overpaid to an individual on any claim for unemployment compensation (UC) benefits that is determined to be due to the individual's fraud; (20) requires</p>

immediate deposit of the assessment into the unemployment fund; (21) defines UC benefits to include all payments for compensation to Federal civilian employees, ex-servicemembers, trade readjustment allowances, disaster unemployment assistance, any Federal program which increases the weekly benefit amount, or any other Federal program providing payments for UC; (22) amends the Internal Revenue Code to prohibit states from relieving an employer of benefit charges if the employer's (or its agent's) failure to respond timely and adequately has resulted in an inappropriate payment and if the employer (or agent) has established a pattern of failing to respond for information effective October 21, 2013; (23) permits states to charge an employer for fault after the first instance of failure to respond timely or adequately to requests for information related to a UC claim; (24) amends the definition of "newly hired employee" in the Social Security Act to require employers to report the first day of earnings for employees rehired within 60 days of separation from employment to the National Directory of New Hires effective April 21, 2012; (25) allow states requiring legislative changes to comply with federal law until the first day of the second calendar quarter that begins after the close of the state's first regular session that begins after October 21, 2011 to meet the requirement.

December 2011 Temporary Payroll Tax Cut Continuation Act of 2011 (P.L. 112-78) approved December 23, 2011 [HR 3765] The act: (1) extends the end date for the Emergency Unemployment Compensation (EUC) program for new entrants from January 3, 2012 to March 6, 2012; (2) extends the ending date for phase-out for current beneficiaries from June 9, 2012, to August 15, 2012; (3) authorizes continued general revenue funding of EUC benefits and administrative costs; (4) extends the end date for 100% Federal funding of extended benefits (EB) and the expanded EB eligibility provision from January 4, 2012 to March 7, 2012; (5) extends phase-out for current beneficiaries from June 11, 2012, to August 15, 2012; (6) extends the end date of the provision for Federal funding of the first week of EB in states with no waiting week from June 10, 2012, to August 15, 2012; (7) extends the authority for states to temporarily modify the provisions concerning EB "on" and "off" indicators by increasing the "look-back" from two years to three years and applies to compensation for weeks of unemployment beginning after December 17, 2010 (or, if later, the date established pursuant to state law), and ending on or before February 29, 2012. These provisions take effect as if included in the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (P.L. 111-312), enacted on December 17, 2010.

February 2012 The Middle Class Tax Relief and Job Creation Act of 2012 (P.L. 112-96) approved February 22, 2012 [HR 3630] The act: (1) amends section 303(a), Social Security Act (SSA), to specifically require that claimants be able to work, available to work, and actively seeking work as a condition of eligibility for Unemployment Insurance (UI) and applies to weeks of unemployment beginning after the end of the first session of a state's legislature which begins after enactment.; (2) amends SSA to permit up to 10 states to conduct demonstration projects to expedite reemployment or to improve state effectiveness in carrying out state law on reemployment and provides: (a) demonstration projects may be commenced any time after enactment, must last 1-3 years, and end by December 31, 2015; (b) permits the Secretary to waive requirements in section 3304(a)(4), Federal Unemployment Tax Act (FUTA) and section 303(a)(5), SSA (withdrawal standard), and 303(a)(1), SSA (methods of administration); (c) limits the project scope to subsidies for employer provided training and disbursement to employers to cover part of the cost of wages (not to exceed the weekly benefit amount); and (d) permits Title III (UI administration) grant monies to be used to fund demonstration projects; (3) amends FUTA and the SSA to require states to offset overpayments against benefit payments due an individual; (4) adds "Federal additional compensation" to the list of benefit payments against which overpayments may be offset and apply to weeks beginning after the end of the 1st session of a state's legislature beginning after enactment; (5) amends SSA to add provisions requiring the Secretary, in conjunction with OMB, to designate a data exchange standard for any category of information required under SSA and provides parameters for the data exchange standards; (6) requires the establishment of data exchange standards for required reporting and provides parameters for reporting standards; (7) requires the Secretary to issue a proposed rule within 12 months of enactment and a final rule within 24 months of enactment and becomes effective with respect to reports required in the first reporting period after the effective date of the final rule; (8) amends section 303, SSA, to add a new subsection permitting states to test UI applicants for drugs if: (a) the applicant was discharged for unlawful use of drugs, or (b) the applicant is only available for suitable work in an occupation that regularly conducts drug testing; (9) permits states to deny benefits to an applicant who tests positive for drugs under the circumstances described above; (10) extends the end date for the Emergency Unemployment Compensation (EUC) program from March 6, 2012 to January 2, 2013; (11) eliminates phase-out for beneficiaries with amounts remaining in their accounts; no EUC is payable after January 2, 2013; (12) modifies the EUC program by changing the Total Unemployment Rate (TUR) required in a state during the most recent 3 months: (a) adds a TUR trigger of 6% for Tier 2 (previously no trigger); (b) increases the Tier 3 TUR trigger to 7.0% (previously 6.0%); and (c) increases the TUR trigger for Tier 4 to at least 9.0% (previously 8.5%) effective June 1, 2012. (13) reduces Tier 1 benefits to the lesser of 54% of regular UI or 14 weeks (previously 80% or 20 weeks), reduces Tier 3 benefits to the lesser of 35% of regular UI or 9 weeks (previously 50% or 13 weeks) effective after September 2, 2012, and Tier 4 would remain unchanged for states on Extended Benefits (EB); (14) states that for states not on Extended Benefits (EB) from March 1, 2012 to May 31, 2012, for weeks of benefits: (a) increases Tier 4 total benefits to the lesser of 62% of regular UI or 16 weeks (previously 24% and 6 weeks), (b) applies only for individuals currently in

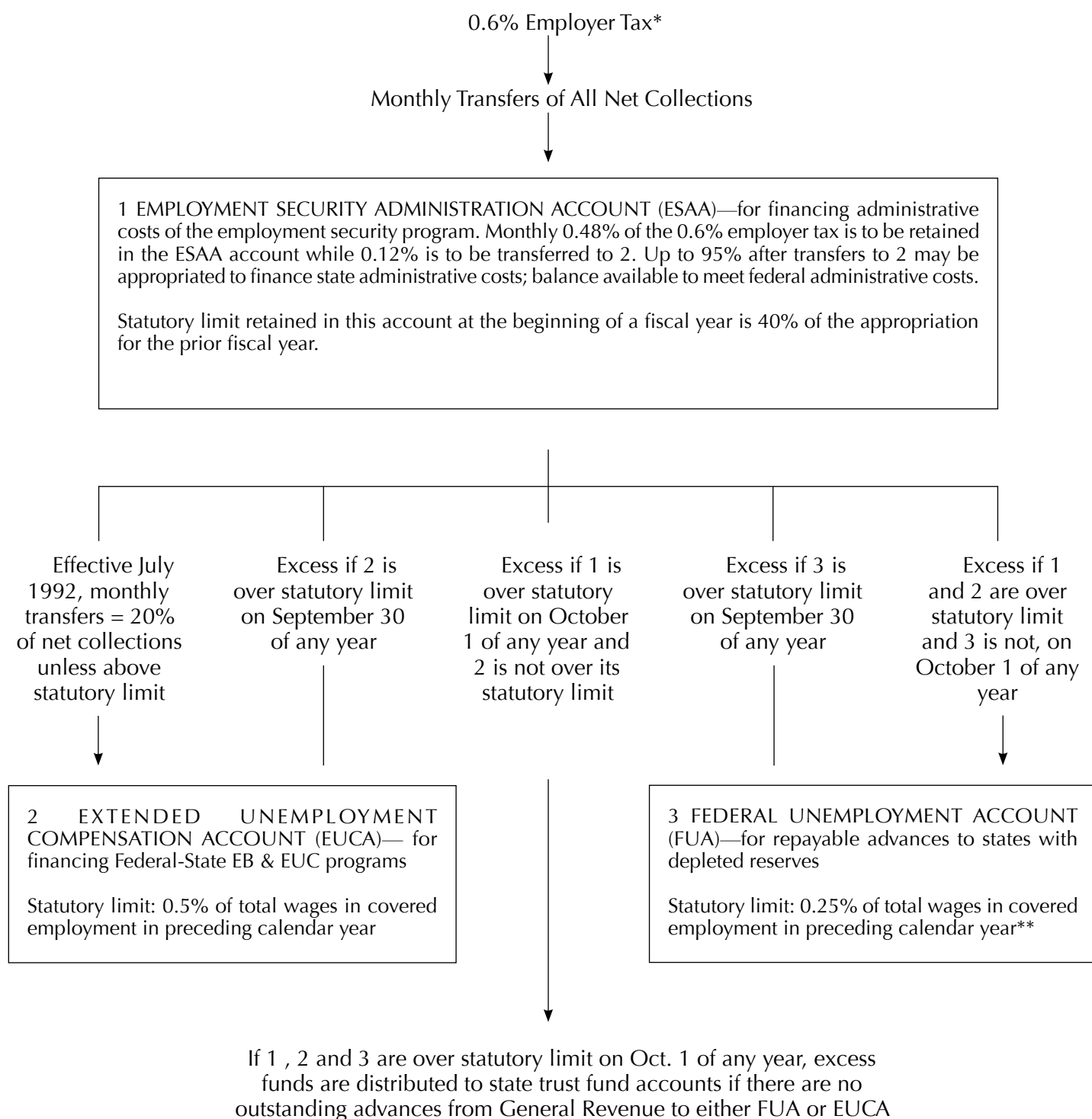
Tier 4 or new entrants to Tier 4 (there is no “reachback” to prior Tier 4 exhaustees), and (c) the total EUC and Extended Benefits (EB) to an individual may not exceed 282% of regular UI or 73 weeks; (15) from June 1, 2012 until August 31, 2012, reduces Tier 4 benefits to the lesser of 24% of regular UI or 6 weeks; and from September 1, 2012 until January 2, 2013, increases Tier 4 benefits for all states to the lesser of 39% of regular UI or 10 weeks (previously 24% and 6 weeks); (16) requires states to defer payment of EB to an individual until all EUC has been paid to that individual, but if a state is on EB when this increase in benefits takes effect the state must pay the increased EUC amount before paying the balance of EB; (16) extends 100% Federal funding of “sharable” EB costs from March 7, 2012 to December 31, 2012; (17) extends Federal funding of the first week of EB if the state does not have a non-compensable waiting week from August 15, 2012 to June 30, 2013; (18) extends the authority for states to use a 3-year “Lookback” from February 29, 2012 to December 31, 2012; (19) requires that the agreement between the Secretary and states include a provision that individuals receiving EUC be able to work, available to work, and actively seeking work; (20) defines “actively seeking work” to include Employment Services (ES) registration, appropriate search for work, maintenance of a work search record, and providing such record to the state upon request; (21) requires the Secretary to establish a minimum number of claims for each state to randomly audit for compliance; (22) changes the agreement between the Secretary and the states to require that: (a) states provide reemployment services and REA activities to individuals who start receiving EUC “on or after the 30th day” following enactment of this Act; (b) EUC claimants referred to reemployment services and REA activities participate in those services and actively seek work (permits the state to waive participation under certain circumstances); and (c) states provide EUC claimants: labor market and career information, assessment of the individual’s skills, orientation to one-stop center services, review of the individuals’ eligibility based on work search activities, and defines additional services that may be provided; (23) requires the Secretary issue guidance on implementation of reemployment services and REA activities not later than 30 days after enactment; (24) provides funding for reemployment services and REA activities from general revenues at \$85 per person served through FY 2013; (25) provides for distribution of funds among states, and for the transfer of funds to the Employment Security Administration account as the Secretary determines necessary to carry out reemployment services and REA activities; (26) requires states to offset EUC overpayments against benefits payable to individuals using the same procedures as are used to recover overpayments of regular compensation; (27) provides that the EUC nonreduction rule (prohibiting states from reducing the average weekly benefit amount) does not apply to states that enacted a law before March 1, 2012 that, upon taking effect, would violate the nonreduction rule; (28) repeals the previous definition of STC and amends section 3306, FUTA, to add a new subsection defining “short-time compensation program” (STC) as a program under which: (a) employer participation is voluntary; (b) employer reduces employee hours in lieu of layoffs; (c) the reduction is at least 10 percent and not more than 60 percent, and employees are not disqualified from unemployment compensation; (d) employees receive a pro rata share of benefits they would have received if totally unemployed; (e) employees meet work availability and work search requirement if they are available for their workweek as required; (f) eligible employees may participate in appropriate training, either employer-sponsored or funded under the Workforce Investment Act of 1998; (g) employers are required to certify that, if health and retirement benefits are provided, those benefits will not be reduced due to participation in the short-time compensation program; and (h) the state agency requires the employer to submit a written plan describing how the requirements of this subsection will be implemented, with an estimate of the number of layoffs that would have occurred but for the short-time compensation program; the plan must be consistent with employer obligations under Federal law; (29) amends Federal law to allow payment of STC from the state account in the Unemployment Trust Fund and provides that a state currently operating an STC program has until 2 years and 6 months after enactment to meet the new requirements; (30) provides 100 percent funding for STC paid to an individual under state law; (31) provisions for full funding include: (a) that the maximum amount payable to an individual is 26 times the amount of regular compensation payable, including dependents’ allowances; (b) that no payments be made to an individual who is employed on a seasonal, temporary, or intermittent basis; (c) funding applies to weeks of unemployment beginning on or after the date of enactment and ending on or before the date that is 3 years and 6 months after the date of enactment; (d) that states operating an STC program under the old definition will be eligible for 2 years of reimbursement until they amend their laws to conform to the new definition; and (e) that a state that operated a Federal program may receive payments upon enactment of STC law for a combined total of 156 weeks; (until 3 years and 6 months after enactment); (34) appropriates funds from general revenues and requires the Secretary is to certify to Treasury the sums payable to each state under this section; (35) provides grants to states and requires that: (a) state law meet the definition of STC program in section 3306(v), FUTA; (a) one-third of the maximum incentive payment be used for implementation or improved administration and two-thirds be used for promotion and enrollment of employers; (b) state meet the conformity requirements of FUTA and SSA to receive administrative grants; (c) STC program not be subject to discontinuation and must be scheduled to take effect within 12 months of certification; and (d) grant funds may be recouped if the state terminates the STC program or fails to meet appropriate requirements within a 5-year period of the date the grant is awarded; (36) appropriates \$100 million from general revenues to carry out the grant program without fiscal limitation and authorizes the Secretary to use 0.25% of available funds to provide for outreach and to share best practices among the states;

37) requires the Secretary to: (a) develop, and to periodically review and revise, model legislative language that states may use to develop and enact short-time compensation programs (requires consultation with employers, labor organizations, state workforce agencies, and other program experts); (b) provide technical assistance and guidance in developing, enacting, and implementing such programs; (c) establish reporting requirements for the number of estimated averted layoffs, number of participating employers, and other items; and (d) report to Congress, not later than 4 years after enactment, on the implementation of the STC program; (38) appropriates \$150 million from general revenue without fiscal year limitation for required report; (39) amends Federal-State Extended Unemployment Compensation Act of 1970 (EUCA) law and the Supplemental Appropriations Act of 2008 to make SEA programs available to individuals who have exhausted benefits if a state chooses to create an SEA program for EB/EUC claimants (previously available only for individuals receiving “regular compensation”); (40) requires that: (a) participants do not have to be identified through profiling as likely to exhaust regular benefits; (b) individuals may receive up to 26 weeks of SEA payments based on EUC, EB or combined EUC/EB eligibility (combined eligibility limit); (c) an individual who is receiving SEA under an EB program may continue to receive EUC SEA benefits when s/he exhausts EB eligibility, up to the combined eligibility limit (carryover rule); (d) the percentage of EUC/EB participants in SEA may not exceed 1 percent of the number of individuals receiving UI; (e) the requirement that SEA programs not result in increased costs to the state UI program is inapplicable to SEA programs for EB and EUC recipients; (f) no individual may be approved for participation in SEA unless the agency “has a reasonable expectation that the individual will be entitled to at least 13 weeks” of EUC and/or EB benefits; and (g) individuals may drop out of SEA at any time and receive the balance of EB or EUC to which the individual was initially determined eligible; (41) provides grants to states to improve administration of existing SEA programs or to develop, implement, and administer SEA programs and: (a) authorizes the Secretary to award grants to states to promote SEA programs and enroll unemployed individuals in those programs; (b) requires applications for grants be submitted to the Secretary on or before December 31, 2013; and (c) that the amount of a grant shall be determined based on the percentage of unemployed individuals relative to the percentage of unemployed individuals in all states; (42) appropriates \$35 million from general revenues for fiscal years 2012 through 2013; (43) requires the Secretary to: (a) develop model language, and periodically review and revise the model language; (b) provide technical assistance and guidance in establishing, improving, and administering SEA programs; (c) establish reporting requirements for state SEA programs utilizing required elements and any additional appropriate information; (d) submit a report to Congress, evaluating the effectiveness of the SEA programs (required information defined), no later than 5 years after enactment; (e) consult with employers, labor organizations, state agencies, and other relevant program experts in the development of model language and guidance; and (f) utilize resources available through DOL and to coordinate with the Administrator of the Small Business Administration to ensure adequate funding is reserved and available for entrepreneurial training for SEA participants.

- December 2013 Bipartisan Budget Act of 2013 (P.L. 113-67) approved December 26, 2013 [HJR 59] The act: (1) amends the Social Security Act to require states to utilize the Internal Revenue Service Treasury Offset Program to recover a covered unemployment compensation debt that is uncollected a year after the debt was determined due.
- January 2013 American Taxpayer Relief Act of 2012 (P.L. 112-240) approved on January 2, 2013 [HR 8] The act: (1) extends the end date for the Emergency Unemployment Compensation (EUC) program from January 2, 2013 to January 1, 2014; (2) authorizes continued general revenue funding of EUC benefits and administrative costs; (3) extends 100% Federal funding of “sharable” EB costs from December 31, 2012 to December 31, 2013; (4) extends the phase-out for current beneficiaries from June 30, 2013, to June 30, 2014; (5) extends Federal funding of the first week of EB if the state does not have a non-compensable waiting week from June 30, 2013 to June 30, 2014; (6) extends the authority for states to use a three-year “look-back” from December 31, 2012 to December 31, 2013; (7) extends funding for reemployment services and Reemployment and Eligibility Assessment (REA) activities through FY 2014; and (8) states these provisions take effect as if included in the Unemployment Benefits Extension Act of 2012 (P.L. 112-96), enacted on February 22, 2012.
- December 2014 Tax Increase Prevention Act of 2014 (P.L. 113-295) approved December 19, 2014 [HR 5771] The act: (1) eliminates the Internal Revenue Code special rule for 2009 that excluded \$2,400 of unemployment compensation from taxable income; (2) provides that a certified professional employer organization (PEO) shall be considered a successor employer and shall be liable for Federal Unemployment Tax Act (FUTA) taxes for services performed on or after January 1, 2016; (3) states that the customer shall be treated as a predecessor employer; and (4) amends FUTA to permit a PEO that collects and remits contributions for a work site employee to take the FUTA credit.



# FLOW OF FTA FUNDS UNDER EXISTING FEDERAL STATUTES



\*Effective tax after 5.4 is offset against 6.0% federal unemployment tax. For 2015 employers in 7 states are expected to be subject to reduced offset credits, resulting in increased FUTA taxes. Revenue from the increase in FUTA taxes is credited to the individual state unemployment trust funds.

\*\*Statutory limit increased to 0.5% of total wages in covered employment in preceding calendar year, effective October 1, 2001.

# GLOSSARY OF SELECTED UNEMPLOYMENT COMPENSATION TERMS

**Annual Wage Formula.** A benefit formula which computes the individual's weekly benefit amount as a percentage of total wages in the base period as opposed to a high quarter or average weekly wage formula.

**Average Weekly Wages (AWW).** (1) For an individual worker, the result obtained by dividing the individual's total wages in a specified period either by the total number of weeks in the period, or by the number of weeks for which wages were payable to the individual during the period. (2) For a group of workers, the result obtained by dividing the total wages for one or more quarters by the number of weeks in the period, and then dividing by the average monthly employment for the payroll period including the 12th of each month during the period.

**Average-Weekly-Wage Formula.** A benefit formula which uses a computation of an individual's average weekly wage during the base period as a basis for determining the individual's weekly benefit amount.

**Base Period (Base Year) (BP).** A specified period of 12 consecutive months or, in some states, 52 weeks preceding the beginning of a benefit year during which an individual must have the required employment and/or wages in order to establish entitlement to compensation or allowances under an applicable program.

**Benefit Eligibility Conditions (Eligibility Requirements).** Statutory requirements which must be satisfied by an individual with respect to each week of employment for which compensation or allowance payments are claimed before payment for the week is made. Benefit Formula. A mathematical formula specified in state unemployment compensation law or federal laws used as the basis for determining an individual's weekly benefit amount and potential maximum benefit entitlement.

**Benefit Year (BY).** A period, generally a 52-week period, during which an individual claimant may receive his/her maximum potential benefit entitlement.

**Claimant Fraud.** The willful misrepresentation or nondisclosure of a material fact by a claimant for the purpose of obtaining benefits to which the individual is not entitled.

**Combined-Wage-Claim.** A claim filed in one state against wage credits earned in two or more states.

**Computation Date, Experience-Rating.** The date as of which employer's experience is measured for the purpose of determining contribution rates.

**Continued Claim.** A claim filed by mail or in person for waiting period credit or payment for one or more weeks of unemployment.

**Contribution Report.** An employer's quarterly report of total and taxable wages, the amount of contribution due a state unemployment fund.

**Dependents' Allowance.** Special allowance provided under some state unemployment compensation laws to beneficiaries with family support responsibilities as defined under the statutory provisions of the laws.

**Disaster Unemployment Assistance (DUA).** The Stafford Act, Sec. 410, authorizes the U.S. President to provide to any individual unemployed as a result of a major disaster such assistance as the President deems appropriate while the individual is unemployed. Funds for this assistance and administrative costs are provided by the Federal Emergency Management Administration,

**Dismissal Payments.** Wages that recognize past service, paid according to a formal plan, generally related to the employee's length of service.

**Earnings Allowance.** The amount prescribed by state unemployment compensation laws that a claimant may earn without any reduction in the weekly benefit amount for a week of total unemployment.

**Employee Contributions.** The unemployment compensation taxes required by some state unemployment compensation laws to be deducted by the employer from an employee's pay and paid with the employer's contribution to the state agency.

**Employer.** An employing unit, as defined, subject under state or federal unemployment compensation laws.

**Employer contributions.** Taxes, including voluntary contributions and special assessments, paid by subject employers into a state unemployment fund.

**Employment Security Administration Account (ESAA).** A special account in the Unemployment Trust Fund, financed by the Federal Unemployment Tax Act (FUTA), used to pay for the administration of the federal- state employment security programs. Under certain conditions, monies in this account are distributed to other special funds: (1) the Federal Unemployment compensation Account (FUA) ; (2) the Extended Unemployment Compensation Account (EUCA); and (3) state accounts in the Unemployment Trust Fund.

**Exhaustee.** All benefit entitlement has been used.

**Experience Rate.** A rate of contribution that differs from the standard contribution rate, computed for an individual employer under the experience-rating provisions of a state unemployment compensation law.

**Experience-Rating.** A method for determining the contribution rates of individual employers on the basis of the factors specified in the state unemployment compensation law for measuring an employer's experience with respect to unemployment.

**Extended Benefits (EB).** The supplemental program that pays extended compensation during periods of specified high unemployment to individuals for weeks of unemployment after (1) they draw the maximum potential entitlement to regular compensation within their benefit year or (2) after their benefit year ends while they are in continued unemployment status and have insufficient wage credits to establish a new claim provided, however, that the extended benefit period in the state began prior to the end of their benefit year. Extended benefits paid to claimants under state unemployment compensation law are jointly financed on a 50-50 basis by state and federal funds; extended benefits paid to UCFE are totally financed by federal funds.

**Extended Unemployment Compensation Account (EUCA).** An account in the Unemployment Trust Fund from which the federal portion of shareable extended benefits and Emergency Compensation authorized by the Congress are paid to state agencies.

**Federal Employer Identification Number (FEIN).** The identification number assigned to employers by the Internal Revenue Service to control reporting and accounting functions. Not compatible with the employer account number assigned by state agencies.

**Federal Supplemental Benefits (FSB).** A temporary federal program totally financed by federal funds that pays supplemental compensation during specified periods of high unemployment to individuals who have exhausted their regular compensation. State financed additional benefits, and/or the jointly financed federal-state extended benefits.

**Federal Unemployment Account (FUA).** An account in the Unemployment Trust Fund from which repayable advances are available to states whose unemployment fund reserves are temporarily unable to meet current benefit payments.

**Federal Unemployment Tax.** The excise tax imposed by the Federal Unemployment Tax Act on employers with respect to having individuals in their employ.

**Federal Unemployment Tax (FUTA).** Chapter 23 of the U.S. Internal Revenue Code, (Sections 3301-3311).

**High-Quarter Formula.** A benefit formula which uses an individual's highest quarter of wages in the base period to compute the weekly benefit amount.

**Higher Authority Appeal.** The higher of two administrative authorities provided by state unemployment compensation laws to make decisions with respect to appeals.

**Interstate Combined-Wage Claim.** A combined-wage claim in which the paying state is not the state in which the claim is filed and the interstate claims procedures are used in making the payment.

**Intrastate Combined-Wage Claims.** A combined-wage claim in which the paying state is also the state in which the claim is filed and to which the other state or states will transfer wage credits.

**Lag Quarter(s).** The quarter(s) between the end of a base period and the quarter which includes the beginning of the benefit year.

**Liable State.** Any state against which a worker files a claim for compensation through the facilities of another (agent) state.

**Lower Authority Appeal.** The lower of two administrative authorities provided by the state unemployment

compensation laws to make decisions with respect to appeals. A state agency with only one appeals authority should consider that as a lower appeals authority.

**Mass Partial Unemployment.** Partial unemployment of a large number of workers in a given employing unit occurring at approximately the same time and arising from a reason common to all such workers.

**Mass Separation Notice.** A report in some states of a mass separation sent by an employer to the state agency listing the names of the workers separated and other required data thus eliminating the need for individual separation notices.

**Maximum Potential Benefit Amount .** The largest amount of benefits for weeks of total unemployment that an individual may receive under a state or federal unemployment compensation law.

**Maximum Potential Duration.** The highest number of weeks of total unemployment for which benefits are payable to any claimant in a benefit year or other period of eligibility under a state or federal unemployment compensation law.

**Maximum Weekly Benefit Amount (MWBA).** The highest weekly benefit amount for a week of total unemployment as provided under a state or federal unemployment compensation law.

**Monetary Determination.** A written notice issued to inform an individual whether or not the individual meets the employment and wage requirements necessary to establish entitlement to compensation under a specific program and, if entitled, the weekly and maximum benefit amounts the individual may receive.

**North American Industry Classification System (NAICS).** Developed jointly by the U.S., Canada, and Mexico to provide new statistical comparability on business activity across North America.

**Nonmonetary Determination.** A decision made by the initial authority based on facts related to an "issue" under the following conditions: (1) the present, past, or future benefit rights of a claimant or claimants are involved; (2) there are identifiable documents showing the type and disposition of an issue, the material facts considered in arriving at the determination, and the legal result; and (3) the determination, if it involves the denial of benefits, is issued in the form of a written determination notice to the claimant. (No determination denying benefits may be considered to be a nonmonetary determination until the claimant has been afforded an opportunity to furnish any facts he/she may have relating to disqualifying information received from other sources).

**Overpayment.** An amount of benefits paid to an individual to which the individual is not legally entitled, regardless of whether or not the amount is subsequently recovered.

**Pooled Account.** A fund in which all contributions are mingled and undivided and from which benefits are payable to all eligible claimants.

**Potential Duration.** The total number of weeks of total unemployment for which an individual claimant may receive benefits in a benefit year or period of eligibility under the entitlement provisions of a state or federal unemployment compensation program or any other program administered by a state agency.

**Regular Compensation.** Benefit payments to individuals with respect to their unemployment under any state unemployment compensation law, including payments

pursuant to 5 U.S.C. Chapter 85, but not including additional, extended, Disaster Unemployment Assistance, or Trade Readjustment Allowances.

**Reimbursable Employer.** Certain nonprofit organizations, state or local Government and political subdivisions which elect or are required to pay into the state unemployment fund a sum in lieu of contributions as provided in the state unemployment compensation law.

**Request Reporting.** The method used by a state agency to obtain a wage and separation report from a base period employer(s) after the claimant files a new or transitional claim.

**Reserve Account.** A separate account maintained in a state unemployment fund with respect to a subject employer to which are credited contributions paid by such employer and to which are charged all and only those benefits which are based on services performed for such employer.

**Seasonality Determination.** A determination made as to whether the seasonality provision of the state unemployment compensation law shall be applied to the benefit rights of workers employed in seasonal operations of an industry, occupation, establishment, or employer.

**Special Tax Rate.** A rate assigned to the employer account that did not result directly from a computation method under regular experience-rating provisions of the state unemployment compensation law.

**Standard Contribution Rate.** The basic rate of contributions from which variations are computed under the experience-rating provisions of a state unemployment compensation law.

**SAWW.** State average weekly wage.

**SMHW.** State minimum hourly wage.

**Unemployment Compensation for Ex-Servicemen (UCX).** A federal program that provides benefits to exservicemen established by 5 U.S. Code, Chapter 85.

**Unemployment Compensation for Federal Employees (UCFE).** A federal program that provides benefits to federal employees established by 5 United States Code, Chapter, 85. Supplemental extended compensation is payable to federal employees under other provisions of state and/or federal laws during periods of high unemployment.

**Uniform Base Period.** A base period which starts on the same calendar date for a new or transitional claim for all claimants.

**Uniform Benefit Year.** A benefit year which starts the same date for all claimants in a state.

**Uniform Duration.** A provision of state unemployment compensation laws establishing the same number of weeks of potential duration for all eligible claimants.

**Variable Duration (Individual Duration).** A provision of state unemployment compensation law under which the potential duration varies from individual to individual in accordance with the length of employment and amount of wages earned in the base period.

**Voluntary Contributions.** Voluntary payments made by a subject employer credited to the employer's experience rating account in order to obtain a more favorable experience rate.

**Wage and Separation Report.** A form used by a state agency to

request a report from a base period employer regarding the wages earned by the claimant and reason(s) for separation from employment.

**Wage Credits.** Wages earned by persons working in employment covered by state unemployment compensation laws.

**Wage Record.** A record maintained by a state agency of an individual employee's quarterly earnings in covered employment reported by subject employers.

**Wage Report.** A quarterly report by a subject employer listing the wages of each individual worker in employment during the quarter.

**Wages in Lieu of Notice.** Standard wages paid following formal notice of separation.

**Waiting Period.** A week of unemployment for which a claimant does not receive compensation but must meet the same eligibility requirements that are necessary to qualify for receipt of compensation for subsequent weeks of unemployment during the benefit year. (In some states, the waiting period, after specified periods of unemployment, may become compensable.)

**Week of Partial Unemployment.** A week in which an individual works less than regular full-time hours for his/her regular employer because of lack of work, and earns less than the amount specified in the definition of a week of total unemployment but more than the allowable earnings prescribed by the state unemployment compensation law, so that, if eligible, the individual receives less than his/her full weekly benefit payment.

**Weeks Compensated.** The number of weeks of unemployment for which benefits are paid.

**Week of Unemployment.** Any week during which an individual is totally or partially unemployed.

**Weekly Benefit Amount (WBA).** The amount payable to a claimant for a compensable week of total unemployment.

**Weeks Claimed.** The weeks covered by intrastate continued claims and interstate continued claims taken as agent state for which waiting period credit or payment of compensation is requested.

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