Changes in unemployment insurance legislation during 1989

Alaska and Nevada established temporary training programs for unemployed claimants; elsewhere, changes generally involved increasing benefits, qualifying wages, and tax rates

Diana Runner

A few States have recently experimented with programs to provide enhanced assistance and training to unemployed claimants. For example, Alaska and Nevada have enacted legislation and Nebraska is conducting a study on the feasibility of implementing a job training program for individuals receiving unemployment benefits.

In Alaska, a 2-year pilot project program was established to finance and award grants to employment assistance and training entities to help prevent future unemployment claims, foster new jobs, and increase training opportunities for workers severely affected by fluctuations in the State economy or technological changes in the workplace. The project will be financed through a portion of employee taxes at the rate of 0.01 percent. The Alaska Job Training Coordinating Council must annually provide the Alaska Employment Security Division with a report on the financial and performance activities of the program and recommendations concerning continuation of funding.

The Nevada Unemployment Compensation Law was amended to establish and administer a temporary employment training program (until June 30, 1991) that must foster job creation, minimize unemployment costs of employers, and meet the needs of employers for skilled workers by training claimants. The training program will be funded from the special revenue fund, which will consist of a temporary tax on all contributing employers of 0.05 percent. There are no performance requirements or recommendations for continuation of the program.

Alaska, Arkansas, Illinois, Michigan, North Carolina, Ohio, Oregon, West Virginia, and Wyoming amended their laws to allow access, on a reimbursable basis, to records on wage and benefit information by the U.S. Department of Housing and Urban Development and by public housing authorities. The access was authorized by the Stuart B. McKinney Homeless Assistance Amendments of 1988.

Arkansas, California, Delaware, Georgia, New Hampshire, New York, and Tennessee amended their laws so as to prohibit information obtained in the administration of the unemployment insurance law from being used as evidence in any proceeding between a person and the employer that is brought before an arbitrator, court, or judge of the State in question or of the United States.

Following is a summary of some significant changes in State unemployment insurance laws during 1989.

Alabama

Financing. The 1.0-percent employee tax has been repealed. The following provisions will be effective January 1, 1991: (1) The benefit-wage ratio formula will be replaced with a benefit-ratio formula under which an employer's unemployment insurance contribution rate will be based on the ratio of actual benefits paid during a 3-year period to the employer's workers to the employer's total taxable payroll during that same period. (2) The fund requirements for the benefit ratio system under the most favorable contribution schedule must equal at least 125 percent of the desired level of the fund, with rates ranging from 0.2 percent to 5.4 percent; under the least favorable schedule, fund requirements are less than 70 percent of the desired level, with rates ranging from 0.65 percent to 6.8 percent. (3) The fund's desired level will be $1\frac{1}{4}$ times the product of the payrolls of any 1 of the most recent 3 years and the highest benefits-payroll ratio for any 1 of the 10 most recent fiscal years. (4) An assessment, which will be determined by dividing the net shared cost by the Statewide total of taxable wages on which contributions have been paid, will be added to an employer's contribution rate to recover shared or socialized costs. (5) Deleted is the emergency surcharge rate of 25 percent of the basic rate when the trust fund balance was below 70 percent of the minimum normal amount.

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Benefits. On January 7, 1990, the maximum weekly benefit amount will increase from $145 to $150. To qualify for benefits, an individual must have base-period wages equal to 1 ½ times the high-quarter wages. The $774.01 wage requirement for the base period was repealed.

Alaska

Financing. Nonprofit organizations or a group of nonprofit organizations which are reimbursing employers will be billed for extended benefits that are not reimbursable by the Federal Government.

Disqualification. An individual will not be denied benefits for unavailability for work, failure to seek work, or refusal of work if he or she is in training approved under the Job Training Partnership Act. An individual discharged for commission of a felony or theft in connection with work will be disqualified from benefits for 1 to 51 weeks, or until he or she earns 20 times the weekly benefit amount. Also, the individual will be ineligible for extended benefits until he or she earns 20 times the weekly benefit amount. The disqualification for misrepresentation to obtain or increase benefits was changed from 6 to 52 weeks to the week the misrepresentation was made and an additional period of 6 to 52 weeks. The length of disqualification for an individual pursuing an academic education was changed to the first full week in which the individual no longer pursues an academic education. An individual will not be disqualified if (1) he or she pursued an academic education for a school term and worked 30 hours a week during the school term, (2) the academic schedule did not preclude full-time work in the individual's occupation, and (3) the worker became unemployed because of layoff or because his or her job was eliminated.

Administration. Wage and unemployment claims information may be disclosed to the U.S. Department of Housing and Urban Development and public housing authorities.

Penalties. The penalty for delinquent contributions was changed from 10 percent of the amount due to the greater of 10 percent of contributions due or $10. A penalty was added for misrepresentation to obtain or increase benefits in an amount equal to 50 percent of the fraudulently received benefits.

Arkansas

Financing. The taxable wage base will increase to $7,800 on January 1, 1990, and to $8,000 on January 1, 1991. Employers with a negative balance for 2 years or less will pay a contribution rate of 5 percent. A sixth-tier stabilization tax of 0.8 percent was added to take effect if the fund's assets are less than 0.25 percent of total payrolls. An employer's voluntary payment to the fund is no longer limited to the amount of benefits charged to his or her account in the preceding calendar year.

Benefits. The wages needed to requalify for benefits in a succeeding benefit year were reduced from 6 times the weekly benefit amount to 3 times the weekly benefit amount. The law was amended to provide that any employer classified as a seasonal employer may request not to be treated as a seasonal employer.

Administration. Wage and benefit information now may be disclosed to the U.S. Department of Housing and Urban Development and public housing authorities. Any information obtained in the findings and conclusions made in unemployment insurance cases will not have a preclusive effect in any non-unemployment insurance action or proceeding.

California

Coverage. If not subject to the Federal Unemployment Tax Act, services performed by an officer of a corporation who is the sole shareholder, or the only shareholder other than a spouse, are now excluded from coverage. Services performed by persons in the employ of any other State or its political subdivisions will be excluded from coverage.

Financing. A seventh contribution rate schedule was added which changed the range of rates in the most favorable schedule to 0.1 percent to 5.4 percent. Also changed were the fund requirements for the least favorable schedule, from less than 1.0 percent of payrolls to less than 0.8 percent of payrolls. When the fund balance is less than 0.6 percent of payrolls, an emergency solvency surcharge rate will be required. Most contributing employers (excluding new employers, negative-balance employers, and employers with an outstanding liability to the fund), in order to reduce their assigned contribution rates, will be allowed to submit voluntary unemployment insurance contributions.

Benefits. Beginning January 1, 1990, the minimum weekly benefit amount will increase from $30 to $40. If an individual's wages in the high quarter exceed $4,966.99, the maximum weekly benefit amount will be 39 percent of these wages divided by 13, but not to exceed $190. The maximum weekly benefit amount will increase to $210 on January 1, 1991, and to $230 on January 1, 1992. To qualify for benefits on and after January 1, 1990, an individual must (1) have been paid wages during the high quarter of at least $1,200 ($1,250 beginning January 1, 1991, and $1,300 beginning January 1, 1992); or (2) have been paid wages during the high quarter of at least $900, and total base-period wages equal to 1.25 times the wages in the high quarter.

Disqualification. The between-terms denial provisions will not apply to educational employees of federally operated schools. Various procedures to be followed by the California Employment Development Department concerning aliens who have applied for temporary resident status under the Immigration Reform and Control Act of 1986 and whose unemployment benefits are at issue have been extended through September 30, 1990.

Penalties. An individual who makes false statements in order to obtain benefits, but does not receive benefits, will be disqualified for from 2 to 15 weeks, but a claimant who makes false statements that result in the payment of benefits will be disqualified for from 5 to 15 weeks.

Colorado

Financing. An employer's experience rating account will not be charged for benefits paid to an individual who left a construction job to accept a better paid construction job.

Benefits. The amount of wages an individual needs to qualify for benefits in a successive benefit year increased from $1,000 to $2,000. If the last separation for an employee is one from which a claim determination has been made, then the employee must work a specified number of days before a full award of benefits will be granted on the most recent separation.

Disqualification. Benefits will not be awarded after a claimant has left a construction job to accept a different construction job, unless the individual was subsequently separated from the different construction job, under conditions that would result in a full award of benefits. The following provisions of the State law were deleted: (1) requirement that an individual be able to and available for work when filing a claim if the individual was separated due to health reasons; (2) nondenial of benefits to an individual if he or she quit work to participate in a student learner program; and (3) eligibility of an individual for benefits under certain conditions if he or she left work to accept a better job.

Delaware

Financing. Beginning in calendar year 1990, an employer's tax rate will be in-

creased whenever the trust fund balance is more than $130 million. The supplemental assessment rate will be based on the employer's earned basic assessment. For example, if the basic assessment ranges from 0.1 percent to 3.9 percent of taxable wages, the supplemental assessment will be 0.9 percent. If the basic assessment is 8.0 percent, the supplemental assessment will be 1.5 percent. If the trust fund balance is less than $130 million, each employer's basic rate will be increased by a supplemental assessment of from 1.1 percent to 1.5 percent, depending on the basic rate, if the trust fund balance is greater than $90 million, or from 1.5 percent to 2.5 percent, depending on the basic rate, if the trust fund balance is less than $90 million.

Benefits. Beginning January 1, 1990, an individual's maximum weekly benefit amount will increase from $205 to $225 if the trust fund balance is more than $90 million. However, if the trust fund balance is less than $90 million, the maximum weekly benefit amount will be $205.

Penalties. A new enactment adds a statutory limit of 5 years for recovery of benefit overpayments. However, the provision that permits the Delaware Department of Labor to write off a benefit overpayment in whole or in part after 3 years still applies.

Florida

Benefits. The temporary short-time compensation program was made permanent.

Georgia

Financing. On January 1, 1990, the taxable wage base will increase from $7,500 to $8,500. The period needed for an employer to qualify for experience rating was increased from 1 year to 3 years. Deleted was a provision that reduced rates for employers with only 1 year's experience. An employer's contribution rate may increase or decrease by 40 percent or 60 percent (currently 10 percent to 70 percent), depending on the reserve fund balance.

Benefits. The maximum weekly benefit amount increased from $165 to $175 and will increase to $185 on July 1, 1990. However, the provision that limits the maximum weekly benefit amount to $115 if the unemployment trust fund falls below $175 million still applies.

Idaho

Administration. The law was amended so as to prohibit information obtained in the administration of the unemployment insurance law from being used as evidence in any proceeding between a person and the employer that is brought before an arbitrator, court, or judge of the State of Idaho or of the United States.

Illinois

Financing. Benefits paid will be charged to the last employer from which the claimant earned wages on each of 30 days and was separated or who, by reduction of work offered, caused the claimant to become unemployed. However, if no employer meets these charging requirements for the benefit year, then no employer will be charged, except that, if no employer meets these requirements for the second of 2 consecutive benefit years and if an employer was charged as a result of benefits paid for the first benefit year, the employer will be charged for any benefits for the second benefit year after the claimant meets the wage requirement for a second benefit year. The last employer's account will not be charged for benefits paid that were due to (1) a disqualification for voluntary leaving if physically unable to work or to accept other bona fide work; (2) discharge for misconduct; (3) a refusal to accept or apply for suitable work; (4) ineligibility due to a between-terms denial; or (5) the claimant's subsequently performing work for at least 30 days for an individual or organization which was not a covered employer. A single employer who pays an individual requalifying wages after disqualification for the three major causes will be charged for benefits paid if the disqualifying event occurred prior to the claimant's benefit year and the requalification occurred after the benefit year began.

Administration. The Illinois Department of Employment Security may disclose wage and benefit information to the U.S. Department of Housing and Urban Development with respect to individuals applying for housing assistance. Also, information may be provided to the Federal Parent Locator Service, the U.S. Department of Agriculture, and any food stamp agency.

Penalties. The charge for disclosing claimant wage and benefit information without authority changed from a misdemeanor and, upon conviction, a fine of $100 or imprisonment for 6 months, or both, to a class B misdemeanor.

Kansas

Financing. Reimbursing employers are required to pay a bond or deposit of 5.4 percent of the taxable payrolls during the four calendar quarters preceding the reimbursement election.

Benefits. Wages paid in backpay awards will be allocated to the week or weeks as specified in the award. If no specification is made, the backpay award will be allocated to the week or weeks in which it would have been paid.

Disqualification. An individual will not be disqualified for voluntary leaving without good cause if he or she left because of the voluntary or involuntary transfer of a spouse from one job to another, for the same employer or a different employer, at a geographic location that makes it unreasonable for the individual to continue to work at the same job. An individual attending school or on vacation from school will not be disqualified from benefits if attending evening, weekend, or limited day classes which would not affect his or her availability for work. The law now disqualifies an individual from benefits for any week for which he or she receives backpay.

Louisiana

Benefits. To qualify for benefits in a second benefit year, an individual must have had work and earned wages in insured work.

Disqualification. If an individual is disqualified from benefits for using illegal drugs but requalifies for benefits, the weekly benefit amount will be reduced by 50 percent for the remainder of the benefit year. The between-terms denial for educational employees was extended to school crossing guards, whether employed by the school board or another political subdivision.

Administration. The Louisiana Employment Security Law will be administered by the Secretary of the Department of Employment and Training.

Penalties. If legal collection efforts are pursued for the collection of overpaid benefits, an individual will be assessed a penalty equal to the greater of $20 or 25 percent of the overpayment.

Maine

Financing. An employer's experience rating account will be charged for dependency allowances.

Benefits. The weekly dependents' allowance will increase from $5 to $10 per dependent, up to one-half the weekly benefit amount.

Maryland

Benefits. The number of dependents for which an individual may receive a weekly allowance increased from four to five.

Massachusetts

Financing. A temporary excise tax will be added to each employer's account, equal to 0.01 percent of the taxable wages.

Michigan

Administration. The Michigan Employment Security Commission may disclose wage and benefit information, on a reimbursable basis, to the U.S. Department of Housing and Urban Development when an individual applies for housing assistance and to the Federal Parent Locator Service of the child support enforcement program.

Minnesota

Coverage. Insurance agents or real estate agents are not excluded from coverage if the services are performed by a corporate officer.

Missouri

Benefits. The temporary shared-work program was made permanent.

Montana

Financing. Benefits, formerly charged to the principal employer, are now charged proportionately among all base-period employers. An employer's account will not be charged for benefits paid if the employer continues to employ the individual with no reduction in hours or wages.

Disqualification. The provision disqualifying an individual for receipt of wages in lieu of notice, separation, or termination allowances was deleted

Nevada

Financing. A temporary tax of 0.05 percent will be assessed on all contributing employers to fund the employment training program until June 30, 1991. For the period of July 1, 1989, through June 30, 1991, an employer's regular contribution rate will be reduced by 0.05 percent.

Benefits. To qualify for benefits between October 1, 1989, through October 1, 1991, an individual needs base-period wages of $1\frac{1}{2}$ times the high-quarter wages or wages in 3 of the 4 quarters of the base period.

Administration. A temporary employment training program (expires June 30, 1991) was established to foster job creation, minimize unemployment costs of employers, and meet the needs of employers for skilled workers by providing training to claimants.

Disqualification. If an individual is receiving a pension, the weekly benefit amount will be reduced by the amount of the pension if the employer contributed the entire amount of the pension, but if the individual made any contribution to the pension, the weekly benefit amount will not be reduced.

New Hampshire

Benefits. The minimum weekly benefit amount was decreased from $39 to $35. The maximum weekly benefit amount was increased from $156 to $162, and will increase to $168 on July 1, 1990. The amount of annual wages needed to qualify for benefits was raised from $1,000 to $1,100, and will increase to $1,200 on July 1, 1990.

Administration. The law was amended to prohibit information obtained in the administration of the unemployment insurance law from being used as evidence in any proceeding between a person and the employer that is brought before any court or judge of the State of New Hampshire.

New Jersey

Disqualification. An individual will not be unavailable for work or ineligible for benefits if attending the funeral of a family member for a period of 2 days.

New York

Financing. If the fund index is less than 2, all employers will be assessed a supplemental tax of 0.7 percent.

Benefits. The maximum weekly benefit amount was increased from $180 to $245, and will increase to $260, effective April 16, 1990; to $280, effective April 15, 1991; and to $300, effective February 3, 1992. On April 15, 1991, the minimum average weekly wage necessary to qualify for benefits will be the greater of 21 times the New York general minimum wage or the minimum wage for farm workers in effect on April 16, 1990—whichever applies to the weeks worked in the base period—or $80. On February 3, 1992, the minimum average weekly wage necessary to qualify for benefits will be the greater of 21 times the New York minimum wage or $80. The temporary shared-work program was made permanent.

North Carolina

Coverage. A new enactment excludes from coverage services performed by a full-time student in the employ of an organized camp, if certain conditions are met.

Disqualification. An individual will not be disqualified for voluntary leaving due to (1) lack of work caused by the employer's bankruptcy, or (2) a unilateral and permanent reduction in full-time work hours of more than 20 percent or reduction in pay of more than 15 percent. The disqualification for fraudulent misrepresentation will be the 52-week period beginning with the first day of the week following the date on which the notice of determination or decision was mailed. Also deleted from the law was the requirement that a disqualification could be applied up to 2 years after offense. If an individual receives benefits for weeks in which backpay awards are made, an overpayment will ensue, requiring the employer to deduct the award and transmit it to the North Carolina Employment Security Commission to apply against the overpayment. The definition of discharge for misconduct was amended to include, but not be limited to, separation initiated by an employer for reporting to work significantly impaired by alcohol or illegal drugs; consuming alcohol or illegal drugs on the employer's premises; conviction in a court of competent jurisdiction for manufacturing, selling, or distributing a controlled substance punishable under North Carolina law while in the employ of said employer.

Administration. The law was amended to prohibit information obtained in the administration of the unemployment insurance law from being used as evidence in any proceeding between a person and the employer that is brought before an arbitrator or court or judge of the State of North Carolina or the United States. The North Carolina Employment Security Commission may disclose wage and benefit information, on a reimbursable basis, to the U.S. Department of Housing and Urban Development when an individual applies for housing assistance and to the Federal Parent Locator Service of the child support enforcement program.

North Dakota

Financing. The maximum contribution rate will be the average required rate multiplied by 3, but not less than 5.4 percent. Beginning January 1, 1990, new employers in the construction trade will pay contributions equal to the greater of 9 percent or the maximum rate. The law was amended to permit partial as well as total transfer of a predecessor employer's experience rating to the successor employer assuming control of an organization. Benefits paid to an individual taking approved train-

ing shall not be charged to the employer's account.

Benefits. When computing the weekly benefit amount for partial unemployment, wages in excess of 60 percent of the weekly benefit amount will be disregarded. An individual's benefit year may be extended up to 1 week if there is an overlapping of the same quarter in two consecutive base periods.

Disqualification. An individual will not be disqualified for voluntary leaving if he or she left employment which was at least 200 miles from home to accept a job less than 200 miles away with a reasonable expectation of continued employment. A student will not be disqualified from benefits if the major part of his or her base-period wages were for services performed while attending school.

Ohio

Financing. All contributing employers will pay a surcharge of 0.1 percent of taxable wages to meet costs of automation in the Ohio Bureau of Employment Services.

Benefits. A spouse may not be claimed as a dependent if his or her average weekly income is in excess of 25 percent of the claimant's average weekly wage. The law was amended to redefine "seasonal employer" as an employer whose operations and business, with the exception of certain administrative and maintenance operations, are substantially all in a seasonal industry.

Disqualification. An individual who has been issued a layoff date will not be disqualified from benefits if he or she quits before that date to accept other employment. However, to be eligible for benefits, an individual must work in the new employment for 3 weeks or earn wages of $1\frac{1}{2}$ times the average weekly wage or $180. An individual will not be disqualified for voluntary leaving if he or she left to accept a recall from a prior employer, if certain conditions apply; or left to accept other employment while still employed; or commences the employment within 7 days of leaving the prior employer and, subsequent to the last day, worked 3 weeks in the new employment and earned the lesser of $1\frac{1}{2}$ times his or her average weekly wage or $180.

Administration. The period during which an individual may appeal a referee decision and a board of review decision was increased to 21 days. The law was amended to prohibit information obtained in the administration of the unemployment insurance law from being used as evidence in any proceeding between a person and the employer that is brought before an arbitrator or court or judge of the State of Ohio or the United States. Up to October 1, 1994, the Ohio Bureau of Employment Services may disclose wage and benefit information, on a reimbursable basis, to the U.S. Department of Housing and Urban Development when an individual applies for housing assistance. The law also now permits disclosure of wage and claim information to the Federal Parent Locator Service of the child support enforcement program.

Oregon

Financing. An employer's experience rating account will not be charged for benefits paid to an individual participating in an approved apprenticeship program.

Benefits. An individual's base period may be extended up to four quarters preceding a temporary total disability if the claim was filed within 36 months of the commencement of the illness or injury, and if the claim was filed within the fourth week after termination of illness or injury. The State of Oregon's additional benefits program was made permanent. Holiday pay will be considered wages for determining partial benefits. If the child support enforcement agency in the State of Oregon obtains a court order for collection of child support from unemployment benefits, the maximum amount of benefits to be withheld may not exceed (1) the lesser of 1/4 of benefits paid or the amount of the current support, or (2) the lesser of 1/4 of benefits paid or the amount of the last ordered monthly child support, if the current child support has terminated.

Disqualification. A labor dispute disqualification will not apply if (1) the stoppage of work was due to a lockout, (2) the lockout was not the result of a labor dispute between the bargaining unit and an employer other than the last employer, (3) the employer hired temporary replacements during the lockout, and (4) the employees' bargaining agent announced that the members are ready, willing, and able to work under the current terms and conditions of employment last offered by the employer. Any individual participating in an approved apprenticeship program will not be ineligible for benefits if attendance in the program does not exceed 3 weeks during the benefit year. If an individual is not working due to a designated vacation period, he or she will be ineligible for benefits if (1) the vacation exists due to a collective bargaining agreement; (2) the vacation exists at the individual's request, or (3) for the same period of time in the previous year, work was not available to a work unit of which the individual is a member, work was not available at the worksite where the individual is currently employed, and the employer indicated in both the preceding and present years that the period of time away from work would be a vacation period during which the employee would be eligible to take vacation pay or other paid leave.

Administration. The assistant director of the Oregon State Employment Division may provide, on a reimbursable basis, benefit and wage information to the U.S. Department of Housing and Urban Development and to other public housing agencies. Also, information may be provided to the Federal Parent Locator Service.

Rhode Island

Disqualification. An individual will not be disqualified for benefits due to misconduct if a complaint of unfair labor practice has been filed with the National Labor Relations Board or the State Labor Relations Board in relation to the discharge.

South Dakota

Financing. The contribution rate for new employers is 1.8 percent (7.0 percent for employers in construction services) for the first year and 1.3 percent (4.0 percent for employers in construction) if the employer has a positive account balance until experience rated. An employer's account will not be charged for benefits paid to an employee if the employee was discharged for conduct mandated by a religious belief, or if the individual earned total base-period wages of less than $100 with one employer.

Disqualification. If an individual voluntarily leaves work because of a religious belief, the leaving will be considered good cause if the employer did not offer the employee reasonable accommodation that takes the individual's religious belief into consideration and make the offer before the individual left the employment.

Administration. The period for appealing an initial claims determination was increased from 9 to 15 days after mailing of the determination.

Tennessee

Financing. The fund balance for the most favorable tax schedule increased from $300 million to $500 million and the least favorable from $100 million to $150 million. The 7-percent solvency tax on contributing employers, which applied when the trust fund balance was less than $300 million, was repealed.

Benefits. Beginning January 7, 1990, and until January 5, 1992, the maximum weekly benefit amount will depend on which tax table is in effect for the year. For example, the higher the tax rate schedule in

effect, the slower the maximum weekly benefit amount will rise. The average wages needed to qualify for the minimum weekly benefit amount in the two high quarters of the base period increased from $754.01 to $780.01. The average wages needed in the two high quarters of the base period for the maximum weekly benefit amount will depend on which tax table is in effect for the year. No individual will be entitled to benefits if the base-period earnings outside the high quarter are less than the lesser of 6 times the weekly benefit amount or $900. The requirement that no claimant was entitled to benefits if 65 percent or more of his or her base-period earnings were outside the high quarter was repealed.

Texas

Coverage. A new enactment excludes from coverage services performed by an individual as a licensed real estate broker or salesman.

Financing. An employer's account will not be charged for benefits paid to an individual who voluntarily left employment or was discharged from work because he or she was infected with a communicable disease. (See *Disqualification.*) The maximum penalty an employer could be assessed for delinquent contributions increased from 25 percent to 37.5 percent of the amount due. The provision that required employers in a worksharing program to pay tax rates up to 9.0 percent was repealed.

Disqualification. The disqualification period for an individual who voluntarily left work rather than provide services within the course and scope of employment to an individual who is infected with a communicable disease, or who was discharged because of a refusal to provide services to an individual infected with a communicable disease will be for the duration, or until the individual returns to work and either works for 6 weeks or earns 6 times the weekly benefit amount. However, an individual will not be disqualified unless the employer made available facilities, equipment, training, and supplies necessary to preclude the person's infection with the communicable disease.

Utah

Disqualification. In addition to the 51-week disqualification for discharge for gross misconduct, an individual must earn 6 times the weekly benefit amount in covered work before the disqualification can be purged.

Administration. The law was amended to specify that findings of fact, conclusions, or final orders made by an unemployment insurance hearing officer or referee will not be binding in a separate action brought in court, regardless of whether the prior action was between the same parties or involved the same facts.

Vermont

Financing. A part-time base-period employer's account will not be charged for benefits paid to an individual whose employment had not been terminated or reduced in hours.

Disqualification. The labor dispute disqualification will not apply if the stoppage of work is due to a lockout, if the employer brought about the lockout in order to gain some concession from employees. Also, excluded from lockout are temporary suspensions of work in response to actual or imminent damage to the employer's property, or a purposeful effort by employees to reduce productivity.

Administration. An individual must appeal a referee's decision to the employment security board within 30 days.

Virginia

Financing. An employer's experience rating account may not be charged for benefits paid to an individual who voluntarily left employment to enter approved training under the Trade Act of 1974.

Washington

Coverage. On January 1, 1990, the exclusion from coverage for agricultural employers will be amended to apply only to services performed in agricultural labor by individuals who are enrolled as students and regularly attending classes at an elementary or secondary school or any institution of higher education. Also excluded, in the case of corporate farms, not otherwise covered, are services performed by an individual in the employ of his or her spouse and services performed by an unmarried individual under the age of 18 years for his or her parent.

West Virginia

Financing. The provisions on noncharging of benefits will not apply to reimbursing employers. Debit balance employers and nonexperience-rated foreign corporations engaged in construction will be assessed a 1.0-percent surtax until January 1, 1994.

Benefits. The law was amended to permit the Commissioner of the West Virginia Division of Employment to enter into reciprocal agreements with other States and the Federal Government to recover benefit overpayments.

Disqualification. If an individual receives backpay at the same time as benefits, the benefits must be repaid.

Administration. The U.S. Secretary of Health and Human Services may obtain wage and unemployment claims information to be used in carrying out the Federal Parent Locator Service of the child support enforcement program. The law now also permits disclosure of claim information to the U.S. Department of Housing and Urban Development and public housing authorities.

Wyoming

Benefits. The maximum weekly benefit amount is frozen at $200.

Disqualification. A member of a labor organization will be disqualified from benefits if, after 4 weeks of unemployment, the individual fails to apply for or accept suitable nonunion work in his or her customary occupation. This disqualification will last until the individual has been employed for 12 weeks and earns 12 times the weekly benefit amount. In cases of fraudulent misrepresentation, the disqualification may apply the week following the week in which the false statement or misrepresentation was made or the date the notice of overpayment or decision was mailed. If an individual receives sick pay, his or her weekly benefit amount will be reduced by the weekly prorated amount of the payment. A misconduct disqualification will be applied to an individual who was discharged for fraud in connection with a claim for benefits. An individual will be eligible for benefits if he or she is in an 18-month-maximum approved training program that prepares the individual for job skills in occupations with good employment opportunities, and if in training which prepares the individual for entry-level or upgraded employment in a recognized skilled vocational or technical occupation.

Administration. The Wyoming Employment Security Commission may provide benefit and wage information, on a reimbursable basis, to the U.S. Department of Housing and Urban Development, public housing agencies, and the Federal Parent Locator Service.

Penalties. The monetary penalty for fraudulent misrepresentation to obtain or increase benefits was reduced from $2,000 to $750 but the maximum period of imprisonment was increased from 60 to 90 days. If fraudulently received benefits are not repaid within 1 month from notice of mailing of notification, the individual will be charged interest of 1.0 percent per month until repaid. □