Changes in unemployment insurance legislation in 1991

With the Nation in recession, emergency legislation was enacted at the Federal level to provide additional weeks of benefits to qualified persons; four States enacted emergency or additional benefit programs, and eight States added or made permanent special taxes

Diana Runner

Near year's end, the Emergency Unemployment Compensation Act of 1991 (Public Law 102–164), as amended by Public Law 102–182, created the Emergency Unemployment Compensation Program. This program will provide 13 or 20 weeks of federally funded unemployment benefits to claimants who have exhausted their regular, extended, or additional benefits under any State law. Also as a result of the Emergency Unemployment Compensation Act, the Federal Unemployment Tax Act was amended to permit States to pay benefits between school years and terms to certain noninstructional, nonresearch, or nonadministrative school employees. Finally, the 13-week duration of benefits and the 4-week waiting period stipulations that pertained to ex-service members were deleted. Therefore, the weeks of benefits that an ex-service member may receive and the waiting period that he or she will be required to serve will be determined by the State in which he or she is collecting benefits.

Four States took action in 1991 to improve or temporarily extend additional unemployment benefits to individuals who have exhausted their regular benefits and who are ineligible for Federal-State Extended Benefits. New Jersey enacted an emergency unemployment benefits program that will pay 25 percent of the regular weeks of benefits until March 28, 1992. Maine and Oregon legislated temporary extended benefit programs that provide supplemental benefits until 1994 to dislocated workers who participate in retraining programs. The State of Washington enacted a temporary additional benefits program, effective until 1993, that will provide additional benefits to workers in the timber industry. In addition, Washington established a temporary "natural resources" worker project to provide employment and training opportunities for dislocated forest product workers.

Arizona, Delaware, Indiana, Mississippi, New Hampshire, and South Dakota increased their maximum weekly benefit amounts. Indiana increased and New Hampshire decreased their minimum weekly benefit amounts. Four States—Arkansas, Hawaii, Indiana, and North Dakota—reduced the amount of wages that a worker needs to earn in order to qualify for benefits, and Montana increased the amount. Five States—Georgia, Hawaii, Mississippi, Vermont, and Wyoming—changed the amount of weekly earnings to be disregarded when the weekly benefit amount for partial benefits is computed.

Colorado, Hawaii, and Indiana changed the fund balance levels that trigger the implementation of alternative schedules of employer contribution rates. Indiana increased and Oregon decreased the minimum contribution rate that could be charged to an employer. To deal with ongoing difficulty in securing adequate program funding, seven States—Arkansas, Colorado, Georgia, Hawaii, Idaho, Nevada, and Oregon—and Puerto Rico added or made permanent special taxes on employers that are imposed in addition to regular contributions. The special taxes will be used to secure the solvency of the State unemployment fund, to pay interest required on Federal advances to the State fund, for training of unemployed workers, and for costs of program administration.

Following is a summary of some significant changes in State unemployment insurance laws during 1991.

Diana Runner is an unemployment insurance program specialist in the Office of Legislation and Actuarial Services, Employment and Training Adminsitration, U.S. Department of Labor.

Arizona

Benefits. The maximum weekly benefit amount increased from $165 to $175, and will rise to $185 on July 1, 1992.

Penalties. Benefits previously received by an individual not entitled to them may be deducted by the Arizona Department of Economic Security from the individual's current benefit payment, in an amount not to exceed 25 percent of his or her weekly benefit amount.

Arkansas

Financing. If the assets of the Arkansas unemployment fund on June 30 are less than 0.50 percent of total payrolls for covered employment during the preceding calendar year, the stabilization tax imposed on employers to maintain adequate fund levels will be 0.7 percent for the next rate year. However, if the assets of the fund at the end of any calendar quarter are less than 0.25 percent of total payrolls for employment during the preceding calendar year, the stabilization tax will be 1.1 percent beginning with the second quarter following that quarter in which the shortfall occurs, and will remain at that level until the next rate year.

Benefits. The formula for computing benefits in amounts below the maximum weekly benefit amount changed from 1/52 of the two highest-earnings quarters in the individual's base period to 1/26 of high-quarter wages paid in the base period. The amount of wages that an individual is required to earn in two quarters of the base period to qualify for benefits decreased from 30 to 27 times the State weekly benefit amount. The provisions triggering payment of extended benefits were amended to include an option for waiving the 120-percent requirement when the insured unemployment rate equals at least 6 percent. (In the absence of such an option, payment of extended benefits is triggered when the insured unemployment rate is at least 120 percent of the average rate for the corresponding period in each of the preceding 2 calendar years.)

Disqualification. The pension offset provision, under which unemployment benefits are reduced by the amount of an individual's pension benefits, was amended to apply only to payments made under a pension plan maintained or contributed to by a base-period employer. Income that is disqualified for purposes of calculating jobless benefits will include vacation pay, but an individual will be paid an amount equal to the weekly benefit amount less that part of vacation pay receivable for the week that is in excess of 40 percent of the weekly benefit amount.

Administration. The agency that administers the Arkansas Employment Security Law will now be known as the Arkansas Employment Security Department, headed by a director.

California

Benefits. An individual will be eligible for an additional 26 weeks of benefits if the claim was filed on or before July 31, 1992, and if the individual was laid off from work, unable to commence work, or otherwise unemployed during the period December 19, 1990, to January 3, 1991, because of freezing weather conditions. The individual also must have exhausted regular benefits and be ineligible for Federal-State Extended Benefits.

Disqualification. An individual who is convicted of misrepresentation undertaken to avoid disclosing a material fact so that he or she might obtain, increase, reduce, or prevent any benefit or payment will be ineligible for regular benefits or extended benefits for the week in which the criminal complaint was filed and for 14 additional weeks.

Colorado

Coverage. In deciding whether to designate an individual performing services for others as an independent contractor, the Colorado Division of Employment and Training will not consider the degree of control exercised by the person for whom the service is undertaken over the performance of the service or over the individual performing the service, if the control is exercised due to requirements of any State or Federal statute or regulation.

Financing. For the provisions of the the most favorable (lowest) schedule for employer contributions to take effect under the State's reserve ratio system, the unemployment fund assets must equal at least $450 million. (The reserve ratio system is a method used by a majority of the States to guarantee the solvency of the unemployment insurance fund while ensuring that the employer's contribution rate adequately reflects his or her experience with unemployment. Under this system, benefits paid to an employer's workers over a specified period are subtracted from the employer's contribution to the fund over the same period. The result is then divided by the employer's current payrolls to determine his or her potential liability for future unemployment, and thus the appropriate fund contribution rate for that employer.)

The Colorado Department of Labor and Employment may request the issuance of bonds and notes when the balance in the unemployment compensation fund is equal to or less than 0.9 percent of the total wages reported by ratable employers for the calendar year. To pay for the bonds, employers will be assessed an amount sufficient to pay all costs associated with the issuance of bonds or notes.

If an employer is called for active military duty which necessitates the closing of his or her business, benefits paid to any employee of the business will not be charged to the employer. The contribution rate for new construction employers will be the greater of the State standard rate, the actual experience rate for the construction industry, or a rate equal to the average tax rate for all covered industries in the State.

Disqualification. An employee will be eligible for benefits if the employer closes his or her business when called to active military duty. An individual will not be denied benefits for quitting a job outside his or her regular apprenticeable trade to return to work in the regular apprenticeable trade.

Connecticut

Benefits. New legislation authorizes a pilot program of voluntary shared work, agreed to by both the employer and the union subject to final approval by the Connecticut Employment Security Division, under which individuals may collect unemployment benefits when their work schedules are shortened to avert layoffs. The division must submit a report on the shared work pilot program to the State general assembly by January, 1, 1993.

Delaware

Benefits. If the balance in the unemployment trust fund is $150 million or greater, the maximum weekly benefit amount will be $245; if the balance is less than $150 million but equal to or greater than $90 million, the maximum weekly benefit amount will be $225; and, if the trust fund balance is less than $90 million, the maximum weekly benefit amount will be $205.

Florida

Penalties. An individual who receives confidential information by violating the "disclosure of information" provisions of the State's unemployment insurance law will be guilty of a misdemeanor of the second degree.

Georgia

Coverage. The exclusion from coverage of aliens performing agricultural labor was extended to January 1, 1993.

Financing. The new employer contribution rate of 2.64 percent and the additional assessment of 0.06 percent on all taxable wages to cover administrative costs were extended through June 30, 1996. Beginning January 1, 1992, benefits will be charged to the most recent employer. (Previously, benefits were charged proportionately to all base-period employers.)

Benefits. When an individual's weekly benefit amount for partial benefits is computed, the amount of weekly earnings to be disregarded will be $30. The definition of partial unemployment was amended to a week of less than full-time work, if earnings are less than the worker's weekly benefit amount.

To qualify for benefits in a second benefit year, an individual must earn 10 times the State weekly benefit amount. An alternative qualifying requirement of earning wages in two quarters of the worker's base period and having total base-period wages of 40 times the weekly benefit amount was added to the law. The alternative qualifying requirement will apply when an individual fails to earn at least 150 percent of high-quarter wages in his or her base period.

The provision that limited the maximum weekly benefit amount to $115 when the unemployment trust fund balance was less than $175 million was repealed.

Disqualification. The pension offset provision was amended to exclude from offset a pension or retirement payment if the individual contributed 50 percent or more to the pension plan. The wages needed to purge a disqualification for voluntary leaving, discharge or suspension for misconduct, or refusal to apply for or accept suitable work increased from 8 times to 10 times the State weekly benefit amount. If terminal leave pay, severance pay, separation pay, or dismissal payments or wages exceeds the weekly benefit amount, it will be considered deductible income and will reduce the individual's weekly entitlement to benefits. An individual will not be denied benefits for separation from work because of the provisions of a labor-management contract or agreement or an extablished employer plan, policy, or layoff or recall procedure that permits the individual, because of lack of work, to accept a separation from employment. If an individual receives 10 weeks (was 8 weeks) of benefits, work will not be considered unsuitable if it pays wages of at least 66 percent of half of the individual's highest quarter earnings (was 125 percent of half of the individual's high-quarter average weekly wage) in the base period, and pay is at least equal to the Federal or State minimum wage. Also, Georgia deleted the suitable work provision specifying that, after an individual had received 13 weeks of benefits, no work would be considered unsuitable if it paid wages equal to 110 percent of half of the individual's high-quarter average weekly wage.

Administration. The first stage appeals body was changed from an appeals tribunal to an administrative hearing officer. The period for appealing an adminstrative hearing was increased from 10 to 15 days. A decision of the board of review will be final 15 days after notification of the concerned parties by mail. If an individual disagrees with the board's decision, he or she may, within 15 days, appeal to the superior court of the county in which he or she was last employed.

Penalties. If a claimant fraudulently receives over $4,000 of benefits, he or she will be guilty of a felony and may be imprisoned for 1 to 5 years, or fined not less than $1,000, or both.

Hawaii

Financing. For the most favorable schedule of employer contribution rates to be triggered, the unemployment fund level will be at least 1.69 times the adequate reserve fund level, with rates ranging from 0.0 to 5.4 percent. The fund level triggering the least favorable schedule will be less than 0.20 times the adequate reserve fund, with rates ranging from 2.4 to 5.4 percent. The contribution rate for new employers will be the rate assigned to an employer with a 0.0 reserve ratio, depending on the schedule of rates in effect for the year (rates range from 1.7 to 5.2 percent). For the period January 1, 1992, through December 31, 1996, every employer (excluding employers who reimburse the fund for benefits paid their workers, and employers paying 0.0 percent or 5.4 percent) will pay an employment and training fund assessment at the rate of 0.05 percent of taxable wages. The fund solvency contribution rate (–0.05 percent to 2.4 percent) was repealed.

Benefits. The wages needed for a worker to qualify for benefits decreased from 30 to 26 times the State weekly benefit amount in two quarters of the worker's base period. An individual's minimum weekly benefit amount will be computed as 1/21 of high-quarter wages in his or her base period, and the maximum weekly benefit amount at 70 percent of the State average weekly wage. The earnings that are disregarded in computing benefits for partial unemployment increased from $2 to $50.

Idaho

Financing. A reserve tax will be imposed on all employers to finance the Employment Security Reserve Fund. The monies in the fund will be used to finance loans to the State employment security fund, as security for loans to the State fund from the Federal Unemployment Trust Fund, and for the repayment of any interest-bearing advances from the Federal fund. If a reserve tax is in effect for a year, that part of an employer's contribution that is to be debited or credited to his or her account is reduced to 80 percent of the State taxable wage rate. The remaining 20 percent will be deposited in the reserve fund.

Indiana

Financing. The fund requirements for the most favorable contribution rate schedule to be invoked must be at least 3.0 percent of covered payrolls, and rates will range from 0.2 percent to 5.4 percent. The fund requirements for the least favorable schedule to be imposed must be less than 1.5 percent, with rates ranging from 1.2 percent to 5.7 percent.

Benefits. To qualify for benefits, an individual needs wages of 1–1/4 times the high-quarter earnings in his or her base period, $1,500 in the last two quarters, and $2,500 in total base-period wages. The number of weeks for which an individual can claim benefits is the lesser of 26 weeks or the equivalent in terms of weeks of 28 percent of his or her base-period wages.

An individual's weekly benefit amount will be computed as 5 percent of the first $1,000 in high-quarter wages and 4 percent of the remaining high-quarter wages. The minimum weekly benefit amount is increased from $40 to $50. The maximum weekly benefit amount will range from $116 to $171, depending on the number of the claimant's dependents, up to three. The maximum weekly benefit amount effective July 5, 1992, will range from $140 to $181, depending on the number of dependents, up to two; and, effective July 4, 1993, the maximum weekly benefit amount will be $170 with no dependents or $192 with one or more dependents.

Iowa

Benefits. A temporary shared work program, providing unemployment benefits for employees on shortened work schedules, was established, to last until February 28, 1995. The program must be agreed to by the employer and the union, subject to final approval by the Iowa Department of Employment Services.

Disqualification. The "able and available for work" and "actively seeking work" requirements for payment of benefits may be waived if the individual is partially unemployed while employed at a regular job.

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

Kansas

Benefits. The temporary shared work program established in 1989 was made permanent.

Disqualification. An individual will not be eligible for benefits if disqualified for use of, possession of, or impairment caused by a nonprescribed controlled substance, if evidence shows such abuse.

Penalties. Outstanding benefits received because of an error will accrue interest at the rate of 1.5 percent per month until repaid. If fraud is involved, the interest will accrue from the date of determination of fraud until repayment plus interest is received. If receipt of the overpayment was not fraudulent, interest will accrue upon any balance which remains unpaid 2 years after the overpayment determination was made, and continues until payment plus accrued interest is received by the appropriate administrator of the State fund.

Maine

Coverage. Services performed by a student attending a postsecondary school while participating in a cooperative program of educational and occupational training or participating in on-the-job training as part of the school curriculum will be excluded from coverage.

Benefits. When a determination of the amount of benefits for partial unemployment is made, wages received by a person for participation in volunteer emergency medical services will not be considered. The expiration date of the temporary extended benefit program for dislocated workers who participate in retraining programs was extended to February 1, 1994.

Disqualification. An individual will not be disqualified for voluntarily leaving a job if his or her reasons for leaving involved domestic abuse and the individual made all reasonable efforts to preserve the employment, or to accept new full-time employment which did not materialize for reasons attributable to the new employing unit.

Maryland

Financing. If the balance of the State unemployment fund on September 30, 1991, is less than $325 million, each employer's basic contribution rate will be increased by 2.2 percent

through calendar year 1992, subject to the minimum rate of 0.1 percent and the maximum of 7.6 percent.

Disqualification. The variable disqualifications for voluntary leaving, discharge for misconduct, disciplinary suspension, and refusal of suitable work were changed from 4 to 9 weeks to 5 to 10 weeks.

Massachusetts

Benefits. The provision that allowed a claimant to serve the 1-week waiting period before benefits are paid in the last week of the previous benefit year was deleted.

Michigan

Penalties. The Michigan Employment Security Commission has 3 years to collect improperly paid benefits and 6 years to collect fraudulently received benefits. Interest at the rate of 1 percent per month will be charged on fraudulently obtained benefits, until payment plus interest is recovered from the claimant. For cases of fraudulent misrepresentation, the provision requiring a claimant to pay restitution of benefits plus a penalty of 100 percent of restitution, not to exceed $1,000 in a benefit year established within 2 years after cancellation of eligibility, before receiving benefits has been deleted. The penalty for fraudulent misrepresentation to obtain or increase benefits or to prevent the payment of or reduce benefits was changed from a misdemeanor to repayment of the amount fraudulently received, if less than $1,000, and damages equal to 2 times that amount. If the amount fraudulently received totals $1,000 or more, the claimant is required to repay that amount plus damages equal to 3 times that amount. In addition, the prosecuting attorney may seek penalties of imprisonment (1 to 2 years), or community service (1 to 2 years), or both, depending on the size of the fraudulent amount.

Mississippi

Financing. An employer's experience rating account (excluding those of State governmental entities) will not be charged with benefits paid to an individual who was hired to replace a U.S. serviceperson called into active military duty and who was laid off upon that serviceperson's return. The State's 10 contribution rate tables were amended to provide for reductions in employer experience rates of 0.1 to 1.0 percent, depending on the size of the fund index factor, the gauge of the solvency of the State unemployment fund. The tables all range from 0.1 to 5.4 percent.

Benefits. The maximum weekly benefit amount was increased from $145 to $165. The wages to be disregarded when computing benefits for partial employment were increased from $5 to $40.

Missouri

Disqualification. The pension offset provision was amended to provide that, if a claimant has made contributions under provisions of the Social Security Act or the Railroad Retirement Act, no part of the payments received by the claimant under the terms of those acts will be deductible from unemployment benefits.

Montana

Coverage. The law was amended to exclude from coverage services of sole proprietors or working members of a partnership.

Financing. An employer's experience rating account will not be charged for benefits paid to any individual who is in approved training.

Benefits. To qualify for benefits, an individual must have earned 1) total base-period wages equal to 1–1/2 times those earned in his or her high quarter and have total base-period wages equal to or greater than 7 percent of the State average annual wage, or 2) base-period wages equal to or greater than 50 percent of the State average annual wage. The weekly benefit amount now may be computed as 1 percent of the base-period wages or 1.9 percent of the wages earned in the two highest quarters of the base period. Qualifying wages earned in a succeeding benefit year must be in work covered under the unemployment insurance system.

Disqualification. An unemployed individual will not be denied benefits for participating in training approved under the Federal Job Training Partnership Act, nor will an individual who left unsuitable work to participate in training.

Penalties. The interest assessed on fraudulently received benefits may not exceed 100 percent of the fraudulently obtained amount.

Nevada

Financing. If an individual elects an alternative base period following a period of temporary total disability, benefits paid will be charged to the base-period employer's experience rating account. The temporary tax of 0.05 percent assessed in 1990 on all contributing employers (except those paying 5.4 percent) to fund the employment training program was made permanent. Also, Nevada made permanent the compensating 0.5-percent reduction of an employer's regular contribution rate. An employer's account will not be charged for benefits paid to an individual who left work to accompany his or her military spouse who was transferred to another location.

Benefits. To qualify for benfits, an individual needs to have earned base-period wages of 1–1/2 times his or her high-quarter earnings or wages in three of the four quarters of the base period. An individual who received temporary total disability compensation under a workers' compensation law may elect an alternative base period of the the first four of the last five completed calendar quarters preceding the disability, if the individual files a claim for unemployment insurance within 4 calendar weeks of the end of the disability period and within 3 years of the beginning of the disability period.

Disqualification. An individual who, during the last or next-to-last work, performed services for a private employer while incarcerated in a custodial or penal institution, and who left the employment because of transfer or release from the institution, will be ineligible for benefits for the week of leaving and until he or she earns remuneration equal to his or her weekly benefit amount in each of 10 weeks.

New Hampshire

Benefits. The minimum weekly benefit amount decreased from $35 to $34, and will decrease to $32 on March 29, 1992. The maximum weekly benefit amount was increased from $168 to $179, and will increase to $188 on March 29, 1992.

New Jersey

Benefits. New Jersey enacted an emergency unemployment benefits program which will pay 25 percent of the amount of a regular week's benefits until March 28, 1992. To collect the emergency benefits, workers must have exhausted their regular unemployment benefits and must not be eligible for Federal-State extended benefits.

New Mexico

Financing. An employer who employed a claimant part-time in the worker's base period and continues to give substantially equivalent part-time employment will not be charged for benefits. Benefits paid to an individual taking approved training will not be charged to a base-period employer's account.

Disqualification. An individual who is otherwise eligible for benefits will not be deemed unavailable for work solely because he or she is serving on a jury.

New York

Disqualification. An employer's account will not be charged for benefits paid to an individual after that individual has satisfied the requalifying requirements for a misconduct disqualification.

Benefits. Claimants in approved training may receive additional benefits for up to 104 effective days.

North Carolina

Financing. The experience rating account of a business that closed because the owner entered the Armed Forces will not be terminated, and, if the business is resumed within 2 years of the individual's return from active duty, the account will be deemed to have been continuously chargeable with benefits. The business's experience record thus remains intact.

Benefits. An individual's base period may be extended if he or she has insufficient wages to establish a claim because of a job-related injury for which he or she received workers' compensation. This provision will expire on June 30, 1993. Also, benefits paid on the basis of the extended base period will be noncharged to any base-period employer.

Disqualification. An individual will not be disqualified for leaving work to accompany his or her spouse to a new place of residence, if the new residence is too far removed for the individual to commute to the former job.

North Dakota

Coverage. The law was amended to exempt a corporate officer from coverage, at the corporation's request, when one-fourth or more of the ownership interest is owned or controlled by the individual's spouse, child, or parent, or by any combination of these persons.

Financing. The contribution rate for a new employer was reduced from 3.25 percent to 2.8 percent, or the maximum rate of 5.4 percent if benefits charged to the employer's account equal or exceed the contributions paid. The period needed for an employer to qualify for experience rating was increased from 2 years to 3 years.

Benefits. To qualify for benefits, an individual needs to have earned wages of 1–3/10 times the high-quarter earnings in his or her base period. The ratio of base-period wages to high-quarter wages used for determining the duration of benefits is 1.3 (formerly 1.5) to 3.2 or more.

Administration. A new enactment prohibits findings of fact or law, conclusions, or final orders made by an unemployment hearing insurance officer or board of review to be used as evidence in any proceeding brought before any court, arbitrator, or judge of the State of North Dakota or the United States.

Oklahoma

Financing. Benefits paid to an individual who is hired to replace a serviceperson called to active duty and who is laid off upon that serviceperson's return shall not be charged to the employer's account.

Oregon

Financing. For the first quarter of 1992, a special tax schedule based on the ratio of fund adequacy, the legislated measure of the health of the fund, will apply. A fund adequacy ratio of under 100 percent calls into effect basic employer contribution rates ranging from 1.62 percent to 5.4 percent, and a fund adequacy ratio of 200 percent and over will invoke rates ranging from 0.32 percent to 5.4 percent. Also for this quarter, each employer will pay an additional tax of 0.58 percent, which will be deposited in the Supplemental Employment Division Administration Fund. For the period April 1, 1992, to March 31, 1995, the range of employer contribution rates for the most favorable schedule will be 0.0 percent to 5.4 percent; that for the least favorable schedule will be 1.64 percent to 5.4 percent. Also for the same period, employers will pay a special tax of 0.58 percent to the State Unemployment Compensation Benefit Reserve Fund.

Benefits. If a dislocated worker is attending approved technical training and exhausts the regular benefits but is not eligible for Federal-State extended benefits, he or she may receive supplemental benefits of up to 50 percent of the maximum benefit amount. If an individual is attending an approved training program, his or her benefit year may be extended by up to 52 weeks in order for the individual to complete the program.

Disqualification. A dislocated worker will not be denied benefits for attending approved professional technical training, or for leaving work that was part-time, temporary, or paying less than 80 percent of the individual's average weekly wage during the base year to enter such training.

Puerto Rico

Financing. A reserve ratio experience-rating system was established, under which an employer's tax rate reflects his or her cumulative experience with unemployment. Generally, all unemployment benefits ever charged against the employer are subtracted from all contributions (taxes) the employer paid into the unemployment fund. The resulting balance, either positive or negative, is then divided by the employer's average payroll for the past 3 years. The minimum and maximum contribution rates that an employer may be charged will be 0.5 percent and 5.4 percent of the employer's reserves in the unemployment fund. The rate for new employers, whose experience rating cannot be determined, will range from 2.7 to 3.4 percent, depending on the rate schedule in effect as dictated by the program fund levels. Employers will be assessed a special tax of 1.0 percent, which will be used to generate new employment opportunities for individuals who have exhausted their benefits and to pay the costs of administering the new tax.

Rhode Island

Benefits. An individual needs to have earned wages equal to 80 times the State minimum hourly wage to qualify for benefits in a succeeding benefit year. A worksharing program was established, under which individuals working shortened schedules to avert layoffs may collect up to 26 weeks of unemployment benefits.

Disqualification. Recovery of erroneously paid benefits may be waived if the claimant was without fault and the recovery would defeat the purposes of the employment security account.

South Dakota

Financing. The contribution rate for new employers is 1.4 percent (6.5 percent for employers in construction services) for the first year and 1.0 percent (3.5 percent for employers in construction) if the employer maintains a positive account balance until experience rated.

Benefits. The maximum weekly benefit amount increased from $140 to $154.

Disqualification. The between-terms denial provision, which prohibits the payment of benefits to employees of schools for the periods during which schools customarily are not in session, was amended to delete the exclusion of educational employees of federally operated schools.

Texas

Benefits. An alternative base period of the first four of the last five completed calendar quarters preceding a disability may apply if an individual files an initial claim for jobless benefits within 24 months of the date that an illness began or an injury occurred.

Disqualification. An individual will not be disqualified from benefits for voluntarily leaving part-time work to accept employment that would increase his or her weekly wage, or if the individual left work because of a medically verified illness of the claimant or the claimant's minor child; injury; disability; or pregnancy while still available for work. Also, in these instances, benefits paid will not be charged to the employer's account

Administration. The law was amended to specify that findings of fact, judgments, conclusions, or final orders made under the Texas Unemployment Compensation Act will not be binding in any other venue, and may not be used as evidence in any other action or proceeding, regardless of whether the prior action was between the same parties or involved the same facts.

Penalties. The penalties for fraudulent misrepresentation to obtain or increase benefits and to prevent payment of or reduce benefits was changed to a Class A misdemeanor.

Utah

Benefits. To qualify for benefits, an individual needs to have earned wages equal to 1–1/2 times the high-quarter earnings of his or her base period, or to have 20 weeks of insured work, earning 5 percent of the monetary base-period wage requirement in each week. The monetary base-period wage requirement is 8 percent of the average fiscal year wages earned in insured work during the base period, rounded to the higher $100. When a claimant files for jobless benefits after receiving workers' compensation, his or her unemployment benefit eligibility will be considered to have remained intact for any continuous period of up to 36 months during which the claimant received workers' compensation, provided the claimant files the claim within 90 days after the termination of illness or injury.

Vermont

Benefits. When an individual's weekly benefit amount for partial benefits is computed, the earnings disregarded will be the greater of 30 percent of the weekly benefit amount or $40. Also, Vermont deleted the requirement that the income disregarded not exceed 50 percent of the claimant's weekly benefit amount.

Virginia

Financing. An employer's account will not be charged for benefits paid to an individual

who left work with good cause for a personal bona fide medical reason related to a nonjob-related injury or medical condition.

Washington

Financing. An employer's account will not be charged for benefits paid to an individual if the employer continues to employ the claimant and requests relief from charges within 30 days of being notified of the claim for benefits. If an individual receives additional benefits, they will not be charged to the employer's experience rating account.

Benefits. A temporary additional benefits program was established for timber workers residing in certain counties in the State of Washington, to take effect when certain criteria are met. No new claims for additional benefits will be accepted for weeks beginning after July 3, 1993. An individual's additional benefits will be 52 times the weekly benefit amount, reduced by the total amount of regular and Federal-State extended benefits paid, or deemed paid, in the benefit year. The law was amended to establish programs that offer dislocated forest products workers in areas affected economically by developments in the timber industry opportunities for forest-related employment that uses their unique skills. Also established was a temporary "natural resources worker" project to provide employment and training opportunities for dislocated forest products workers in occupations related to fisheries, wildlife management, recreation, and other natural resource projects.

Disqualification. If an individual is receiving benefits at the time of a backpay award, the employer must withhold from the backpay the amount of unemployment benefits paid to the worker and remit that amount to the Washington Employment Security Department.

West Virginia

Administration. The name of the State agency that administers the unemployment insurance program is changed to the Bureau of Employment Programs.

Wyoming

Coverage. Services performed for remuneration shall be deemed covered employment, unless it is shown that the worker has been and continues to be free from control, has discretion in the performance of the work, and is customarily engaged in an independent trade or business.

Financing. An employer's experience rating account will not be charged for benefits paid to an individual who is enrolled in an approved training program.

Benefits. For computing partial benefits, the amount of wages to be disregarded was changed to the amount of wages in excess of 50 percent of the weekly benefit amount.

Disqualification. An individual will be eligible for benefits if attending an approved training program, lasting a maximum of 24 consecutive months, which is licensed by the appropriate agency and which prepares the individual for job skills in occupations with good employment opportunities. □

A note on communications

The *Monthly Labor Review* welcomes communications that supplement, challenge, or expand on research published in its pages. To be considered for publication, communications should be factual and analytical, not polemical in tone. Communications should be addressed to the Editor-in-Chief, *Monthly Labor Review*, Bureau of Labor Statistics, U.S. Department of Labor, Washington, DC 20212.