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prohibit transfer of experience if a person becomes an employer by acquiring an existing business and if the purpose of the acquisition is to obtain a lower contribution rate; apply to persons, who prior to the acquisition of the business, (a) had no employees and (b) had some employees but not enough to be an employer for state law purposes;  
provide meaningful civil and criminal penalties for knowingly violating or attempting to violate the law's requirements, and for knowingly advising to violate the law; and establish procedures to identify the transfer or acquisition of a business for purposes of the law.

Applicable to acquisitions and transfers occurring on or after January 1, 2006.

Prohibits transfer of experience when a work-site employer's account is made inactive as a result of entering into a contract with an employee leasing company or when a contract between a work-site employer and an employee leasing company is terminated. (Raises issue with Section 303(k)(l)(A), SSA.)

**CONNECTICUT**

HB 6751  
(Act No. 05-34)

ENACTED May 10, 2005  
EFFECTIVE October 1, 2005

Monetary Entitlement

Extends the time period for using the alternative base period in computing unemployment compensation from December 31, 2005, to December 31, 2007.

**CONNECTICUT**

HB 6918  
(CH 85)

ENACTED June 2, 2005  
EFFECTIVE October 1, 2005

Financing

Amends state law (applicable to tax years beginning on and after January 1, 2006) to include SUTA dumping prevention provisions which:

mandate transfer of experience from one employer to another when there is substantially common ownership, management, or control; apply to both total and partial transfers;  
prohibit transfer of experience if a person becomes an employer by acquiring an existing business and if the purpose of the acquisition is to obtain a lower contribution rate; apply to persons, who prior to the acquisition of the business, (a) had no employees and (b) had some employees but not enough to be an employer for state law purposes;  
provide meaningful civil and criminal penalties for knowingly violating or attempting to violate the law's requirements, and for knowingly advising to violate the law; and establish procedures to identify the transfer or acquisition of a business for purposes of the law.

**DELAWARE**HB 180  
(CH 81)

ENACTED and EFFECTIVE June 30, 2005

Financing

Removes the trigger provisions based on the balance in the Unemployment Insurance Trust Fund for determining the special assessment rate, and imposes a rate of 0.15 percent.

**DISTRICT OF COLUMBIA**B 200  
(L.N. 16-0033)ENACTED July 26, 2005  
EFFECTIVE October 20, 2005Financing

Imposes on contributing and reimbursable employers a quarterly 2 percent administrative funding assessment on taxable wages beginning January 1, 2006, for use exclusively for the improvement of benefit claim eligibility determinations, the expansion of reemployment services to individuals determined to be likely to exhaust their benefit entitlements, fraud prevention, and the costs of collecting and administering the administrative funding assessment.

Requires deposit of all administrative funding assessment payments collected in the newly established Administrative Assessment Account; limits the amount in the account to \$4 million per calendar year; disallows crediting the assessment to the accounts of individual employers.

**FLORIDA**HB 1693  
(CH 209)ENACTED June 10, 2005  
EFFECTIVE July 1, 2005Appeals

Allows the Office of Appeals to issue an order requiring the appellant to show why the appeal should not be dismissed as untimely when the appeal was filed late; dismisses the appeal within 15 days after mailing of the order if appellant fails to respond.

Financing

Amends state law to include SUTA dumping prevention provisions which:

- mandate transfer of experience from one employer to another when there is substantially common ownership, management, or control; apply to both total and partial transfers;
- prohibit transfer of experience if a person becomes an employer by acquiring an existing business and if the purpose of the acquisition is to obtain a lower contribution rate; apply to persons, who prior to the acquisition of the business, (a) had no employees and (b) had some employees but not enough to be an employer for state law purposes;
- provide meaningful civil and criminal penalties for knowingly violating or attempting to violate the law's requirements, and for knowingly advising to violate the law; and
- establish procedures to identify the transfer or acquisition of a business for purposes of the law.

Overpayments

Changes the time limit for any recovery or recoupment of nonfraud benefits from 2 years



**LOUISIANA**

HB 482  
(Act No. 239)

ENACTED June 29, 2005  
EFFECTIVE January 1, 2006

Financing

Revises the table that provides for the fluctuation of the maximum wage base, the formula for computing benefits, and the maximum benefit amount based upon the applied trust fund balance range as follows.

When the applied trust fund balance is:

less than \$750 million, the wage base is \$8,500, the maximum weekly benefit amount (MWBA) is \$221, and the applicable benefit computation will be computed without the 7 percent discount, multiplied by 1.05 and that amount multiplied by 1.03.

equal to or greater than \$750 million but less than \$1 billion 150 million, the wage base is \$7,700, the MWBA is \$247, and the applicable benefit computation will be computed without the 5 percent discount, multiplied by 1.05 and that amount multiplied by 1.15.

equal to or greater than \$1 billion 150 million, the wage base is \$7,000, the MWBA is \$258, and the applicable benefit computation will be computed without the 7 and 5 percent discounts, multiplied by 1.05 and that amount multiplied by 1.15.

Revises the rate table for computing employer's contribution rates with rates ranging from 1.89 to 6.0 for employers with a negative reserve ratio and from 0.09 to 1.85 for employers with a positive reserve ratio.

Noncharges new employers for the amount of the social charge attributable to the Workforce Development Training Account.

Requires credit to the Workforce Development Training Account in any calendar year in which the applied trust fund balance range is equal to or greater than:

\$900 million but less than \$1 billion or equal to or greater than \$1 billion but less than \$1 billion 250 million and only in the amount necessary to bring the account balance to \$6 million.

\$1 billion 250 million but less than \$1 billion 400 million; and only in the amount necessary to bring the account balance to \$35 million.

\$1 billion 400 million and only in the amount necessary to bring the account balance to \$50 million.

Prohibits charging the Workforce Development Training Account in the absence of unreceived federal administrative grants unless the applied trust fund balance range is equal to or greater than:

\$900 million but less than \$1 billion or equal to or greater than \$1 billion but less than \$1 billion 250 million; and when inadequate unemployment insurance administrative grants are received.

\$1 billion 250 million but less than \$1 billion 400 million; and when inadequate unemployment insurance administrative grants are received.

\$1 billion 400 million and when inadequate unemployment insurance administrative grants are received.

**MARYLAND**

SB 703  
(CH 169)

ENACTED April 26, 2005  
EFFECTIVE July 1, 2005, or as noted

Administration

Changes from using the 2-digit standard industry classification code to using the 6-digit North American Industry Classification System.

Establishes a 13 member Committee on Unemployment Insurance Oversight to examine the condition of the unemployment insurance system until December 31, 2006.

Financing

Defines "standard rate" as the maximum rate in the applicable Table of Rates and requires employing units to pay contributions at the standard rate applied to the taxable wage base, thus, eliminating the set 7.5 percent standard rate, effective January 1, 2006.

Increases the tax rate for new employers from 2.3 percent to 2.6 percent of the taxable wage base, effective January 1, 2006.

Provides that an employing unit meeting the requirements for an experience rate but does not file contribution reports for any of the 3 rating years immediately preceding the computation date, will be assigned the standard rate of contributions; the option of being assigned whichever is the greater of the standard rate or the experience rate is no longer available, effective January 1, 2006.

Provides that when computing experience rates an assigned rate of contributions cannot be less than 0.3 (previously 0.1) percent or more than 13.5 (previously 9.5) percent, effective January 1, 2006.

Replaces both the Table of Basic Rates consisting of rates ranging from 0.3 percent to 7.5 percent and the Schedule of Basic Rate Adjustments with the Table of Rates - Tables A, B, C, D, E, and F for any calendar year beginning on or after January 1, 2006; rates range from 0.30 percent to 7.5 percent in the most favorable table and from 2.20 percent to 13.50 percent in the least favorable table; the table in effect is based on the unemployment insurance fund balance on September 30 of the immediately preceding calendar year.

Monetary Entitlement

Increases, effective October 1, 2005, the maximum weekly benefit amount from \$310 to \$340; the minimum qualifying wages needed in the base period to qualify for the maximum weekly benefit amount from \$11,160 to \$12,240; and the high quarter wages needed in the base period to qualify for the maximum weekly benefit amount from \$7,416.01 to \$8,136.01. Applicable to claims filed establishing a new benefit year on or after October 2, 2005.

**MASSACHUSETTS**

HB 4342  
(CH 138)

ENACTED November 22, 2005  
EFFECTIVE January 1, 2006

## Financing

Amends state law to include SUTA dumping prevention provisions which:

mandate transfer of experience from one employer to another when there is substantially common ownership, management, or control; apply to both total and partial transfers;  
prohibit transfer of experience if a person becomes an employer by acquiring an existing business and if the purpose of the acquisition is to obtain a lower contribution rate; apply to persons, who prior to the acquisition of the business, (a) had no employees and (b) had some employees but not enough to be an employer for state law purposes;  
provide meaningful civil and criminal penalties for knowingly violating or attempting to violate the law's requirements, and for knowingly advising to violate the law; and establish procedures to identify the transfer or acquisition of a business for purposes of the law.

### **MINNESOTA**

HB 400  
(CH 115)

ENACTED May 26, 2005  
EFFECTIVE RETROACTIVELY  
FROM December 31, 2004

## Nonmonetary Eligibility

Provides that wage credits earned from employment with an educational institution may be used for benefit purposes between 2 successive academic years or terms if:

the wage credits were earned by an employee of a private employer performing work pursuant to a contract between the employer and an elementary or secondary school; and  
the employment was related to food services provided to the school by the employer.

### **MINNESOTA**

HB 898  
(CH 112)

SB 944

ENACTED May 26, 2005  
EFFECTIVE July 1, 2005,  
or as noted

## Administration

Requires an applicant to report any employment offers refused during the 8 calendar weeks prior to the application date for unemployment benefits and the name of the employer that made the offer.

Provides that an applicant's failure to report the name of an employer, or giving an incorrect reason for no longer working for an employer, or failing to disclose an offer of employment that was refused must be considered a violation of the unemployment insurance law regarding false representation and concealment of facts.

Eliminates the use of telephones as a method for filing continued bi-weekly unemployment claims.

Renames the Department of Economic Security to the Department of Employment and

Economic Development, effective May 27, 2005.

Appeals (Applies to decisions issued on or after June 25, 2005)

Requires the unemployment law judge to set out the reason for crediting or discrediting testimony when the credibility of a testifier in an evidentiary hearing has a significant effect on the decision.

Specifies that the unemployment law judge's decision is final unless a request for reconsideration is filed within 30 calendar days of the decision.

Eliminates the second appeal level for a de novo review by a senior unemployment review judge; establishes a request for reconsideration level that can be filed by any applicant, involved employer, or the commissioner; provides that the decision from the request for reconsideration must be decided by the unemployment law judge and is final and binding unless judicial review is sought.

Requires employees of the department serving as unemployment law judges to be attorneys.

Coverage

Requires a worker to be considered an employee and not an independent contractor unless the worker also meets the following condition: holds or has applied for a federal employer identification number or has filed business or self-employment income tax returns with the federal Internal Revenue Service based on that work or service in the previous year.

Amends the definition of employer to also include an employee leasing company, professional employer organization, or similar person, who has been assigned a tax or reimbursable account.

Financing

Imposes on employers an administrative service penalty equal to 2 percent of total wages for each employee not included on the required quarterly wage report; cancels a fee or penalty if the failure occurred because of ignorance or inadvertence.

Amends state law to include SUTA dumping prevention provisions which:

- mandate transfer of experience from one employer to another when there is substantially common ownership, management, or control; apply to both total and partial transfers;
- prohibit transfer of experience if a person becomes an employer by acquiring an existing business and if the purpose of the acquisition is to obtain a lower contribution rate; apply to persons, who prior to the acquisition of the business, (a) had no employees and (b) had some employees but not enough to be an employer for state law purposes;
- provide meaningful civil and criminal penalties for knowingly violating or attempting to violate the law's requirements, and for knowingly advising to violate the law; and
- establish procedures to identify the transfer or acquisition of a business for purposes of the law.

Allows experienced rated employers assigned a tax rate to pay voluntary contributions provided they are not delinquent on any amounts due.

Permits the commissioner to compute to the nearest 1/100 percent any unemployment tax rate assigned on or after July 1, 2005, regardless of the year or portion of any year for which the tax rate is applicable.

#### Monetary Entitlement

Considers an applicant unemployed (1) in any week that the applicant performs less than 32 hours of service in employment, covered employment, noncovered employment, self-employment, or volunteer work; and (2) any earnings with respect to that week are less than the applicant's weekly benefit amount.

Requires, in addition to other requirements, that to be eligible for benefits an applicant is unemployed as defined in law and that the weeks for which unemployment benefits are requested are in the applicant's benefit year; excludes applicants serving as an election judge from the eligibility conditions.

Provides that applicants performing 32 hours or more in volunteer work regardless of the amount of any earnings are ineligible to receive unemployment benefits.

Repeals the provision regarding active benefit accounts.

#### Nonmonetary Eligibility

Provides that for any week an applicant is receiving, has received, or has filed for payment that is equal to or in excess of the weekly benefit amount in the form of vacation pay paid upon temporary, indefinite, or seasonal separation is ineligible to receive unemployment benefits for any week; excludes vacation pay paid upon a permanent separation from employment.

Provides that earnings from direct service as a volunteer firefighter or volunteer ambulance service personnel and as an election judge are not considered deductible earnings, and the applicant is eligible for unemployment benefits; provides that earnings as an on-call or standby volunteer firefighter or volunteer ambulance service personnel are considered deductible earnings, and the applicant is ineligible for unemployment benefits.

Provides an 8 week ineligibility period if the applicant failed to apply for, accept, or avoided available suitable employment without good cause (formerly ineligible indefinitely); ineligibility begins the Sunday of the week any of the failures occurred; applies to offers of suitable employment that occur prior to the effective date of the benefit account and that occur during the benefit year; applies to offers of suitable employment considered covered employment.

Changes the administrative penalty of being ineligible for unemployment benefits from 1-52 weeks to 13-104 weeks.

#### Overpayments

Provides that if an unemployment law judge's order allows unemployment benefits because of a quit or discharge and the decision is reversed by the Minnesota Court of Appeals or the Supreme Court of Minnesota, any unemployment benefits paid must not be considered an overpayment under the nonfraud overpayment provisions.

(CH 1)

Administration

Adds to the list of agencies which may receive unemployment insurance data local and state welfare agencies for the purpose of identifying employment, wages, and other information to assist in the collection of an overpayment debt in an assistance program.

Financing

Increases the special assessment on taxable wages on contributing employers (effective January 1, 2006) from 0.07 percent to 0.10 percent for calendar years 2006 and 2007; increases the special assessment to 0.085, beginning January 1, 2008.

Allows use of workforce development funds for other purposes or to provide incumbent worker training services if certain conditions are met.

**MISSISSIPPI**                      SB 2472              ENACTED and EFFECTIVE March 16, 2005  
(CH 400)

Financing

Amends state law to include SUTA dumping prevention provisions which:

mandate transfer of experience from one employer to another when there is substantially common ownership, management, or control; apply to both total and partial transfers;  
prohibit transfer of experience if a person becomes an employer by acquiring an existing business and if the purpose of the acquisition is to obtain a lower contribution rate; apply to persons, who prior to the acquisition of the business, (a) had no employees and (b) had some employees but not enough to be an employer for state law purposes;  
provide meaningful civil and criminal penalties for knowingly violating or attempting to violate the law's requirements, and for knowingly advising to violate the law; and establish procedures to identify the transfer or acquisition of a business for purposes of the law.

**MISSISSIPPI**                      SB 2480              ENACTED March 23, 2005  
(CH 437)                      EFFECTIVE January 1, 2005

Financing

Reduces an experienced rated employer's assigned contribution rate by 0.3 percent if its contribution rate is equal to or less than 5.4 percent, beginning on and after January 1, 2005; suspends the 0.3 percent contribution rate reduction when the Unemployment Compensation Fund falls below \$500,000,000 and other conditions are met.

Assesses a 0.3 percent workforce enhancement contribution on the taxable wages of experience rated employers beginning on and after January 1, 2005, to be deposited in the established "Mississippi Workforce Training Enhancement Fund for use exclusively by the State Board for Community and Junior Colleges to provide training in order to enhance employee productivity; suspends the assessment and fund when the Unemployment Compensation Fund falls below \$500,000,000 and other conditions are met.

Provides that no employer's contribution rate will be less 0.4 percent unless beginning on and after January 1, 2005, and continuing, the 0.3 percent reduction of contribution rates is suspended then no employer's unemployment contribution rate will be less than 0.1 percent.

Creates a new contribution rates table to use to reduce contribution rates until the assigned 0.3 percent reduction of contribution rates and the assessed 0.3 percent workforce enhancement contributions are suspended; rates range from a negative 0.3 percent to 5.4 percent.

## **MONTANA**

HB 159  
(CH 446)

ENACTED April 28, 2005  
EFFECTIVE April 28, 2005, or as noted

### Coverage

Clarifies service performed by an alien for the purpose of the exclusion of such service from the term "employment."

Excludes from the definition of "employment" services performed by an election judge if the remuneration received for those services is less than \$1,000 in the calendar year.

### Financing

Excludes from the definition of "wages" certain subsidies received pursuant to the alternative trade adjustment assistance for older workers program.

Specifies that money in the employment security account may be appropriated to pay for unemployment insurance benefits, expenses for the employment offices, and other certain expenses.

Amends, effective January 1, 2006, state law to include SUTA dumping prevention provisions which:

- mandate transfer of experience from one employer to another when there is substantially common ownership, management, or control; apply to both total and partial transfers;
- prohibit transfer of experience if a person becomes an employer by acquiring an existing business and if the purpose of the acquisition is to obtain a lower contribution rate; apply to persons, who prior to the acquisition of the business, (a) had no employees and (b) had some employees but not enough to be an employer for state law purposes;
- provide meaningful civil and criminal penalties for knowingly violating or attempting to violate the law's requirements, and for knowingly advising to violate the law; and
- establish procedures to identify the transfer or acquisition of a business for purposes of the law.

### Nonmonetary Eligibility

Provides that an individual is not considered ineligible for UI benefits for failing to be able, available, and seeking work if the failure is because of an illness or disability that occurs after filing or reopening a claim. (Formerly an individual was not considered ineligible for failure to comply if the failure was because of an illness or disability that occurred after the

claimant had registered for work.)

Provides that an individual is eligible for UI benefits when he/she has registered for work with the local job service office, unless excused by department rule.

**NEBRASKA**

LB 739

ENACTED April 27, 2005

EFFECTIVE September 6, 2005, or as noted

Financing

Allows the Commissioner to impose a combined tax emergency solvency surcharge up to one percent of taxable wages paid during the 4 calendar quarters ending on September 30 of the year the emergency solvency surcharge is imposed if the state's reserve ratio on September 30, 2006, 2007, 2008, or 2009 is less than 0.4 percent; requires crediting emergency solvency surcharges to the pool account; requires any unpaid surcharges to bear interest and requires depositing any interest collected in the Employment Security Special Contingent Fund.

Increases the wage base from \$7,000 to \$8,000 for calendar year 2006, to \$9,000 for calendar year 2007 and each calendar year after.

Effective January 1, 2006, establishes an array system for determining employer contribution rates. Rates for eligible experienced rated employers will range from 15 percent of the state average tax rate for the lowest rate category to 260 percent of the state average tax rate for the highest rate category.

Effective January 1, 2006, all new/newly covered non-construction industry employers will be assigned a tax rate equal to the lesser of the state's average tax rate or 2.5 percent; all new/newly covered construction industry employers will be assigned a tax rate equal to the highest tax rate for the year (260 percent of the state's average tax rate.) New employer rates may not be less than 1.25 percent. Previously the new employer rate was 3.5 percent.

Effective January 1, 2006, the standard rate is the rate assigned to the highest rate category, but not less than 5.4 percent.

Limits employer's voluntary contributions amounts up to the amount necessary to qualify for one rate category reduction; previously no limitation.

Provides that for rate years 2006 and after, voluntary contributions must be received before January 10 (previously March 10) to be used in rate calculations for the same calendar year.

Noncharges employer's accounts for benefits paid for leaving work voluntarily to accompany a spouse to the spouse's employment in a different city or new military duty station or for accepting previously secured insured work in the construction industry.

Monetary Entitlement

Computes the weekly benefit amount as ½ an individual's average weekly wage but not to exceed:

½ of the state average weekly wage through December 31, 2005;

\$288 beginning on or after January 1, 2006, through December 31, 2007;  
the lesser of  $\frac{1}{2}$  the state average weekly wage or the previous year's maximum weekly benefit amount plus \$10 per week beginning on and after January 1, 2008, through December 31, 2010;  
 $\frac{1}{2}$  of the state average weekly wage beginning on or after January 1, 2011.

Provides that if the state's reserve ratio on September 30, 2008, or 2009 is less than 0.4 percent and the emergency solvency surcharge is imposed for such year, then the maximum weekly benefit amount for the following calendar year must not be increased over the then current maximum weekly benefit.

Concerning earnings disregarded, for benefits beginning on or after October 1, 2006, an individual will receive the full weekly benefit amount (WBA) if weekly wages payable are less than or equal to  $\frac{1}{4}$  WBA (previously less than or equal to  $\frac{1}{2}$  WBA; ) if weekly wages payable are greater than  $\frac{1}{4}$  WBA, the individual will receive his/her WBA less wages payable in excess of  $\frac{1}{4}$  WBA (previously received  $\frac{1}{2}$  WBA if wages payable were in excess of  $\frac{1}{2}$  WBA).

For benefit year beginning or after January 1, 2006, changes the earnings requirements for establishing a 2<sup>nd</sup> benefit year from at least \$1,600 in base period, \$800 in each of 2 quarters, and 4 weeks of wages in insured work since beginning of 1<sup>st</sup> benefit year to at least \$2,500 in base period, \$800 in each of 2 quarters, and earned wages in insured work equal to 6 x WBA since beginning of 1<sup>st</sup> benefit year; for benefit year beginning or after January 1, 2007, and each January 1 thereafter, the required earnings in the base period will be an adjusted amount equal to the then current amount adjusted by the cumulative percentage change in the Consumer Price Index for the 1-year period ending on the previous September 30.

#### Nonmonetary Eligibility

Includes as good cause for voluntarily quitting the following reasons:

- leaving work to escape abuse at the place of employment or abuse between household members provided all reasonable efforts were made to preserve the employment;
- leaving employment voluntarily due to a bona fide non-work connected illness or injury which prevented continuing the employment or from continuing the employment without undue risk of harm;
- leaving employment to accompany a spouse to the spouse's employment in a different city or new military duty station;
- leaving employment because the employer required the employee to relocate;
- leaving employment voluntarily as a construction worker to accept previously secured work in the construction industry if certain other conditions are met; not applicable if separated from the new job under conditions resulting in disqualification for quitting without good cause or misconduct;
- accepting a voluntary layoff to avoid bumping another worker;
- leaving employment as a result of being directed to perform an illegal act;
- leaving employment because of unlawful discrimination or workplace harassment on the basis of race, sex, or age;
- leaving employment because of unsafe working conditions; or
- equity and good conscience demand a finding of good cause.

Changes the disqualification period from 7-10 weeks to 12 weeks immediately following the week for:

leaving work voluntarily without good cause;  
a discharge for misconduct connected with work; and  
failing without good cause to apply for available, suitable work, to accept suitable work offered, or to return to customary self-employment.

## **NEBRASKA**

LB 484

ENACTED and EFFECTIVE June 2, 2005

### Financing

Excludes from the definition of "wages" remuneration for service performed in the employ of any state in the exercise of his or her duties as a member of the Army National Guard or Air National Guard or in the employ of the U.S. of America as a member of any military reserve unit.

Provides that the Commissioner may require that any employer whose annual payroll for either of the 2 preceding calendar years equaled or exceeded \$500,000 to file wage report, and combined tax returns and pay combined taxes owed, by an electronic method, unless it is found that such filings would work a hardship on the employer; permits the employer to not remit the combined tax due for any reporting period if less than \$5; commissioner may require employers making payments in lieu of contributions meeting the same criteria to pay the reimbursement by electronic method unless electronic payment method would work a hardship.

Requires that the state unemployment insurance tax rate for the following year be determined by December 1 of each calendar year instead of in April or May.

Amends state law (operative on January 1, 2006) to include SUTA dumping prevention provisions which:

mandate transfer of experience from one employer to another when there is substantially common ownership, management, or control; apply to both total and partial transfers;  
prohibit transfer of experience if a person becomes an employer by acquiring an existing business and if the purpose of the acquisition is to obtain a lower contribution rate; apply to persons, who prior to the acquisition of the business, (a) had no employees and (b) had some employees but not enough to be an employer for state law purposes;  
provide meaningful civil and criminal penalties for knowingly violating or attempting to violate the law's requirements, and for knowingly advising to violate the law; and  
establish procedures to identify the transfer or acquisition of a business for purposes of the law.

Prohibits crediting back the overpayment amount recovered to such employer's experience account when benefit overpayments occur as a result of violating the SUTA dumping provisions by an employer.

### Nonmonetary Eligibility

Requires an inmate in a penal or custodial institution to be considered unavailable for work for purposes of determining benefit eligibility.

Provides that individuals receiving or who have received remuneration in the form of primary insurance benefits under Title II of the Social Security Act or similar payment under any Act of Congress are not disqualified for benefits; requires that such remuneration not be disqualifying or deductible from the benefit amount.

Provides for the disqualification for any week of unemployment benefits or for waiting week credit if the individual has been disqualified from receiving benefits for willfully failing to disclose earnings or willfully failing to disclose or has falsified facts 2 or more times in the 5-year period immediately prior to filing the most recent claim; this disqualification does not apply if the individual has repaid in full any overpayments established in conjunction with the disqualifications during that 5-year period.

## **NEW HAMPSHIRE**

HB 170  
(CH 239)

ENACTED July 14, 2005  
EFFECTIVE January 1, 2006

### Appeals

Extends from 30 to 60 days the period a certifying officer may for good cause reconsider a determination, provided an appeal was not filed or the appeal tribunal remanded the determination.

### Financing

Amends state law to include SUTA dumping prevention provisions which:

- mandate transfer of experience from one employer to another when there is substantially common ownership, management, or control; apply to both total and partial transfers;
- prohibit transfer of experience if a person becomes an employer by acquiring an existing business and if the purpose of the acquisition is to obtain a lower contribution rate; apply to persons, who prior to the acquisition of the business, (a) had no employees and (b) had some employees but not enough to be an employer for state law purposes;
- provide meaningful civil and criminal penalties for knowingly violating or attempting to violate the law's requirements, and for knowingly advising to violate the law; and
- establish procedures to identify the transfer or acquisition of a business for purposes of the law.

Provides that any employing unit, officer or employee of a corporation, or member or employee of a partnership or limited liability company and

- who fails or refuses to provide a mass layoff notice as required; or
- who violates or attempts to violate the provisions on successorship/total acquisition by failing to notify the commission within 30 days of such acquisition

is guilty of either a Class A felony, Class B felony, or Class A misdemeanor depending on the case.

Imposes a penalty of \$100 to \$500 for each day there is a failure or refusal to file a mass layoff notice report.



### Nonmonetary Eligibility

Provides that no individual will be deemed unavailable for work or ineligible for benefits solely for being available for, seeking, applying for or accepting only part-time work, instead of full-time work, if the claim is based on part-time employment and the individual is actively seeking and is willing to accept work under essentially the same conditions as existed in connection with the employment from which the individual became eligible for benefits.

#### **NEW JERSEY**

Rule 17006

ENACTED November 22, 2005  
EFFECTIVE January 1, 2006  
EXPIRES November 28, 2010

### Financing

Increases the taxable wage base from \$24,900 to \$25,800 for calendar year 2006.

### Monetary Entitlement

Increases the maximum weekly benefit amount from \$503 to \$521, effective on or after January 1, 2006.

Increases the amount needed to establish a base week from \$103 to \$123 per week for calendar year 2006.

Provides for an increase in the alternative earnings amount from \$5,200 to \$6,200 for establishing eligibility for individuals who have not established 20 base weeks for benefit years beginning on or after January 1, 2006.

### Temporary Disability Insurance

The maximum weekly benefit amount for state plan benefits remains at \$488, effective on or after January 1, 2006.

Provides for an increase in the alternative earnings amount from \$5,200 to \$6,200 for establishing eligibility for individuals who have not established 20 base weeks for periods of disability beginning on or after January 1, 2006.

#### **NEW JERSEY**

AB 4583  
(CH 249)

ENACTED and EFFECTIVE December 21, 2005

### Financing

Increases employers' contribution rate reduction from 16 percent to 34 percent from January 1, 2006, until June 30, 2006, except that if an employer has a deficit reserve ratio of negative 35 percent or under, the employer's rate of contribution will not be reduced to less than 5.4 percent.

#### **NEW MEXICO**

HB 520  
(CH 255)

ENACTED and EFFECTIVE April 6, 2005

### Financing

Amends state law to include SUTA dumping prevention provisions which:

mandate transfer of experience from one employer to another when there is substantially common ownership, management, or control; apply to both total and partial transfers;  
prohibit transfer of experience if a person becomes an employer by acquiring an existing business and if the purpose of the acquisition is to obtain a lower contribution rate; apply to persons, who prior to the acquisition of the business, (a) had no employees and (b) had some employees but not enough to be an employer for state law purposes;  
provide meaningful civil and criminal penalties for knowingly violating or attempting to violate the law's requirements, and for knowingly advising to violate the law; and establish procedures to identify the transfer or acquisition of a business for purposes of the law.

### Nonmonetary Eligibility

Provides a claimant will not be denied benefits if the claimant voluntarily left work to relocate because of a spouse, who is in the military service of the U.S. or the New Mexico national guard, receiving permanent change of station orders, activation orders or unit deployment orders.

Requires the department to consider approved training or full-time school attendance in determining whether or not an individual had good cause for failing to apply for available suitable work when directed/referred or to accept suitable work when offered.

<b>NEW MEXICO</b>	HB 09	ENACTED February 8, 2005
	(CH 3)	EFFECTIVE February 8, 2005, or as indicated

### Coverage

Includes in the definition of employer an employing unit that paid quarterly wages for services of \$450 or more in the current or preceding calendar year or had in employment for some portion of a day in each of 20 different calendar weeks at least 1 individual, effective January 1, 2004.

### Financing

Noncharges the base period contributing employer's accounts for extended benefits paid to an individual while attending approved training or school on a full-time basis. (Applicable to benefit calculations and eligibility determinations made on or after January 1, 2005.)

Noncharges the base period contributing employer's accounts for benefits paid to an individual for dependent's allowance or because of a separation due to domestic abuse or because of enrollment in approved training or attending school on a full-time basis. (Applicable to benefit calculations and eligibility determinations made on or after January 1, 2005.)

Requires new employers and employers with a 2.0 percent standard rate to pay contribution at the reduced rate of 2 percent until they become experienced rated employers (decreased from 2.7 percent). (Applicable to benefit calculations and eligibility determinations made on or after January 1, 2005.)

Adds a new Schedule 0 to the Table of Employer Reserves and Contribution Rate Schedules

with the most favorable rates ranging from 0.03 percent to 5.4 percent if the fund equals at least 3.7 percent of total payrolls and the least favorable rates ranging from 2.7 percent to 5.4 percent if the fund has dropped less than 1.0 percent of total payrolls. (Applicable to benefit calculations and eligibility determinations made on or after January 1, 2005.)

Requires the use of Schedule 0 for assigning each employer's contribution rate for calendar year 2005 and each subsequent calendar year until the earliest of January 1, 2008, or the January 1, following certification that the unemployment compensation fund is less than 2 ½ percent of total payrolls.

Provides that an employer that at the time of establishing an account is in business in another state(s) and not in New Mexico has the option of receiving the lower of a beginning contribution rate of 2 percent or a rate based on the current contribution rate schedule provided certain conditions are met. (Applicable to benefit calculations and eligibility determinations made on or after January 1, 2005.)

#### Monetary Entitlement

Changes the calculation of the weekly benefit amount from 1/26 of total wages to 52 ½ percent of the average weekly wage in the base period quarter in which wages were the highest; requires 2 quarters of base period wages. (Applicable to benefit calculations and eligibility determinations made on or after January 1, 2005.)

Reduces the weekly benefit amount by wages or self-employed earnings received for such week in excess of 1/5 times the individual's the weekly benefit amount. (Applicable to benefit calculations and eligibility determinations made on or after January 1, 2005.)

Pays a dependent's allowance of \$15 for each child under age 18 up to a maximum of 4; limits dependency benefits to 50 percent of the weekly benefit amount. (Applicable to benefit calculations and eligibility determinations made on or after January 1, 2005.)

Provides that an individual is entitled to a total amount of benefits equal to whichever is the lesser of 26 times the weekly benefit amount, plus any dependency benefit amount, or 60 percent of the individual's base period wages. (Applicable to benefit calculations and eligibility determinations made on or after January 1, 2005.)

Establishes an alternative base period beginning on or after January 1, 2005, as the last four completed calendar quarters immediately preceding the first day of the benefit year for individuals unable to establish a regular base period provided that base period wages are not available for reuse in a subsequent benefit year, and in the case of a combined-wage claim the base period applies to the unemployment compensation law of the paying state. (Applicable to benefit calculations and eligibility determinations made on or after January 1, 2005.)

#### Nonmonetary Eligibility

Requires an individual to be able to work, available for work, and actively seeking permanent full-time work or part-time work to be eligible for benefits. (Applicable to benefit calculations and eligibility determinations made on or after January 1, 2005.)

Provides that no otherwise eligible individual will be deemed ineligible for benefits solely because of seeking, applying for, or accepting only part-time work, instead of full-time work if the part-time work is for at least 20 hours per week. (Applicable to benefit calculations and eligibility determinations made on or after January 1, 2005.)

Provides that no otherwise eligible individual will be denied benefits for any week because of being in training or attending school on a full-time basis with the state's approval. (Applicable to benefit calculations and eligibility determinations made on or after January 1, 2005.)

Provides that no otherwise eligible individual will be disqualified for benefits for any week for failing either to apply for available, suitable work when directed or referred by the state or to accept suitable work when offered because of being in training or attending school on a full-time basis with the state's approval. (Applicable to benefit calculations and eligibility determinations made on or after January 1, 2005.)

Defines domestic abuse; considers leaving employment because of domestic abuse evidenced by medical documentation, legal documentation or a sworn statement from the claimant good cause for voluntarily leaving. (Applicable to benefit calculations and eligibility determinations made on or after January 1, 2005.)

Requires the state, in determining whether or not work is suitable, to also consider an individual's approved training or full-time school attendance. (Applicable to benefit calculations and eligibility determinations made on or after January 1, 2005.)

## **NORTH CAROLINA**

SB 757  
(CH 410)

ENACTED September 20, 2005  
EFFECTIVE January 1, 2005

### Financing

Amends state law to include SUTA dumping prevention provisions which:

- mandate transfer of experience from one employer to another when there is substantially common ownership, management, or control; apply to both total and partial transfers;
- prohibit transfer of experience if a person becomes an employer by acquiring an existing business and if the purpose of the acquisition is to obtain a lower contribution rate; apply to persons, who prior to the acquisition of the business, (a) had no employees and (b) had some employees but not enough to be an employer for state law purposes;
- provide meaningful civil and criminal penalties for knowingly violating or attempting to violate the law's requirements, and for knowingly advising to violate the law, effective December 1, 2005; and
- establish procedures to identify the transfer or acquisition of a business for purposes of the law.

Changes the basis on which positive balance employers may receive a rate reduction of 50 percent from an \$800 million Unemployment Insurance Fund balance to a balance which equals or exceeds 1.95 percent of gross taxable wages, effective October 1, 2005.

### Nonmonetary Eligibility

Eliminates the requirement that an individual report at regular intervals of not less than 3 weeks and not more than 6 weeks apart in order to be eligible for benefits; requirement to report as directed in accordance with such regulations as the Commission may prescribe remains in place.

Changes the able and available for work requirements for individuals in school by providing that an unemployed individual is not necessarily unavailable for or unable to work while attending school and will not be disqualified for eligibility for unemployment compensation solely on the basis that the individual is in school.

**NORTH DAKOTA**            HB 1195            ENACTED and EFFECTIVE April 25, 2005

Financing

Revises provisions for professional employment organizations (PEOs) as follows:

Provides that if a staffing service exclusively provides temporary staffing services, the staffing service is considered to be the employee's employer and the staffing service must pay unemployment insurance taxes at the staffing service's unemployment insurance tax rate.

Provides that if a staffing service provides long-term employee staffing services, the staffing service may be considered to be the employee's employer and the staffing service must pay unemployment insurance taxes at the staffing service's unemployment insurance tax rate if the agency determines that the staffing service meets certain requirements.

Provides that if a staffing service provides temporary and long-term employee staffing services, the staffing service is subject to the reporting and tax requirements associated with the type of employee provided to the client company and is required to comply with certain administrative procedures.

Among other changes related to staffing services, modifies the voluntary contribution provisions.

Modifies the provisions regarding the succession to predecessor's experience record, reserve balance, and benefit experience when an employing unit acquires all or part of the organization, business, trade, workforce, or assets of another employer.

Amends state law to include SUTA dumping prevention provisions which:

- mandate transfer of experience from one employer to another when there is substantially common ownership, management, or control; apply to both total and partial transfers;
- prohibit transfer of experience if a person becomes an employer by acquiring an existing business and if the purpose of the acquisition is to obtain a lower contribution rate; apply to persons, who prior to the acquisition of the business, (a) had no employees and (b) had some employees but not enough to be an employer for state law purposes;
- provide meaningful civil and criminal penalties for knowingly violating or attempting to violate the law's requirements, and for knowingly advising to violate the law; and
- establish procedures to identify the transfer or acquisition of a business for purposes of the law.

**OHIO**            SB 81            ENACTED and EFFECTIVE June 2, 2005  
(Law No. 20)

### Coverage

Amends the definitions of "employer" to include Indian tribes and "employment" to include service performed by an individual in the employ of an Indian tribe, including any subdivision, subsidiary, or business enterprise wholly owned by an Indian tribe;

Requires coverage and exclusion of coverage of certain services performed for an Indian tribe.

Allows an Indian tribe to either pay contributions or to elect to make reimbursements.

Under certain circumstances, may terminate the reimbursement election when a tribe fails to make the required payments.

Requires Indian tribes to finance one-half the amount of extended benefits paid.

Excludes from the definition of "employment" service performed by an individual as a member of a band or orchestra, provided such service does not represent the principal occupation of such individual.

### Financing

Allows usage of the special administrative fund to pay state disaster unemployment benefits and any costs attributable to the director that are associated with the sale of real property.

Amends state law to include SUTA dumping prevention provisions which:

- mandate transfer of experience from one employer to another when there is substantially common ownership, management, or control; apply to both total and partial transfers;
- prohibit transfer of experience if a person becomes an employer by acquiring an existing business and if the purpose of the acquisition is to obtain a lower contribution rate; apply to persons, who prior to the acquisition of the business, (a) had no employees and (b) had some employees but not enough to be an employer for state law purposes;
- provide meaningful civil and criminal penalties for knowingly violating or attempting to violate the law's requirements, and for knowingly advising to violate the law; and
- establish procedures to identify the transfer or acquisition of a business for purposes of the law.

### Nonmonetary Eligibility

Eliminates the provisions that allowed the director to waive the active work search requirement for unemployment due to a major disaster declared by the U.S. President and the employer whose operation was adversely affected by the disaster requests a waiver for exemption, and which exempted total or partial unemployed persons from the waiting period due to unemployment attributable to a major disaster declared by the U.S. President.

Provides that an individual will not be disqualified for the duration of his/her unemployment due to a quit or discharge if the separation was for the purpose of entering the armed forces of the U.S. if the individual is inducted into the armed forces within one of the

following periods:

30 days after separation;

180 days after separation if the individual's date of induction is delayed solely at the discretion of the armed forces.

Requires reducing weekly benefits by receipt of periodic retirement payments only if both of the following apply:

the payment is under a plan maintained or contributed to by base period or chargeable employers; and  
services performed for such employer after the beginning of the base period, or remuneration for such services affects eligibility for or increases the amount of the pension. (not applicable to Social Security and Railroad Retirement.)

### Special Programs and Extensions

Provides that an individual totally or partially unemployment directly attributable to a major disaster declared by the U.S President who is not eligible to be paid unemployment compensation benefits under this state or any other state or federal unemployment compensation law for the first week of the individual's unemployment caused by the disaster is eligible to be paid a state disaster unemployment benefit payment for that week; computes the state disaster unemployment benefit payment as if the individual was otherwise qualified and claiming weekly unemployment compensation benefits and pays it from the unemployment compensation special administrative fund.

**OREGON**            SB 690            ENACTED March and EFFECTIVE June 7, 2005  
(CH 174)

### Extensions and Special Programs

Makes permanent the supplemental benefits program that allows eligible dislocated workers to receive supplemental benefits to continue or complete professional technical training by eliminating the June 30, 2005, ending date.

Extends eligibility for the supplemental benefits program to workers whose unemployment resulted from the return to service in the Oregon National Guard or the military reserve forces of the U.S. following active duty service in IRAQ and Afganastan.

**OREGON**            HB 2127            ENACTED June 8, 2005  
(CH 183)            EFFECTIVE June 8, 2005, or as indicated

### Financing

Creates Schedules I B - VIII B which determine the quarterly fund adequacy tax rate for each employer based on the fund adequacy percentage ratios and the percentage of total taxable payroll. Applies to unemployment insurance tax reporting periods beginning on or after January 1, 2007.

Imposes a quarterly 0.09 percent administration tax on employers, except employers assigned a 5.4 percent tax rate, for payment into the Supplemental Employment

Department Administration Fund. Applies to unemployment insurance tax reporting periods beginning on or after January 1, 2007.

Provides that the Supplemental Employment Department Administration Fund also consists of the fund adequacy taxes collected, the administration taxes collected, and the wage security program taxes collected to pay expenses of administration. Applies to unemployment insurance tax reporting periods beginning on or after January 1, 2007.

Requires, as determined on June 30 of each odd-numbered year, the transfer of moneys from the Supplemental Employment Department Administration Fund in excess of 150 percent of the amount collected from the fund adequacy tax for the first quarter of the previous even numbered year to the Unemployment Compensation Trust Fund by December 31 of the odd-numbered year. Applicable to calendar years beginning on or after January 1, 2009.

Imposes for the first quarter of each odd-numbered year a 0.09 administration tax on employers, except employers assigned a 5.4 percent tax rate, for payment into the Supplemental Employment Department Administration Fund.

Decreases new employer tax rates with the most favorable rate decreasing from 2.7 percent to 2.0 percent and the least favorable rate decreasing from 3.5 percent to 3.3 percent. Applies to unemployment insurance tax reporting periods beginning on or after January 1, 2007.

Replaces the Wage Security Program Funding Tax Schedules from I H – VIII H to Schedules 1 C – VIII C. Applies to unemployment insurance tax reporting periods beginning on or after January 1, 2007.

Amends the state law to require moneys in the State Unemployment Compensation Benefit Reserve Fund be used solely to pay unemployment compensation benefits that would otherwise be paid from the Unemployment Trust Fund, effective April 1, 2007; abolishes the State Unemployment Compensation Benefit Reserve Fund, effective June 30, 2008; requires the transfer and deposit of any balance in the State Unemployment Compensation Benefit Reserve Fund that is unexpended and unobligated on June 30, 2008, to the Unemployment Compensation Trust fund solely for the payment of unemployment compensation benefits.

Requires, on July 1 of every odd-numbered year, the transfer of any amounts in the Employment Department Special Administrative Fund unappropriated in the biennial budget of the department to the Unemployment Compensation Trust Fund instead of to the State Unemployment Compensation Benefit Reserve Fund, effective June 30, 2008.

**OREGON** SB 93 ENACTED and EFFECTIVE June 14, 2005  
(CH 218)

#### Coverage

Allows for the State of Oregon to include in the definition of "employment" service performed for a nonprofit employing unit:

in the employ of a church or convention or association of churches, or an organization which is operated primarily for religious purpose and which is operated supervised, controlled or principally supported by a church or convention or

association of churches;  
by a duly ordained, commissioned or licensed minister of a church in the exercise of ministry or a member of a religious order in the exercise of duties required by such order.

**PENNSYLVANIA**                      HB 163                      ENACTED and EFFECTIVE December 16, 2005  
(Act No. 80)

Nonmonetary Eligibility

Changes the pension offset provision to provide that the weekly benefit amount will not be reduced due to receipt of Federal Social Security retirement benefits or railroad retirement benefits if the pension is contributed to by the individual in any amount (applicable to weeks of unemployment ending on or after December 16, 2005.)

**TEXAS**                      SB 1342                      ENACTED and EFFECTIVE May 9, 2005  
(CH 39)

Financing

Noncharges an employer's account for benefits if the employee's last separation from the employer resulted from a move from the area of employment that was made with the employee's spouse who is a member of the U.S. armed forces and resulted from the spouse's permanent change of station of longer than 120 days or a tour of duty of longer than 1 year.

Nonmonetary Eligibility

Provides that an individual available to work may not be disqualified for benefits for voluntarily leaving work because of a move from the area of employment that was made with the employee's spouse who is a member of the U.S. armed forces and resulted from the spouse's permanent change of station of longer than 120 days or a tour of duty of longer than 1 year.

**VERMONT**                      HB 71                      ENACTED and EFFECTIVE June 7, 2005  
(Act No. 41)

Financing

Amends state law to include SUTA dumping prevention provisions which:

- mandate transfer of experience from one employer to another when there is substantially common ownership, management, or control; apply to both total and partial transfers;
- prohibit transfer of experience if a person becomes an employer by acquiring an existing business and if the purpose of the acquisition is to obtain a lower contribution rate; apply to persons, who prior to the acquisition of the business, (a) had no employees and (b) had some employees but not enough to be an employer for state law purposes;
- provide meaningful civil and criminal penalties for knowingly violating or attempting to violate the law's requirements, and for knowingly advising to violate the law; and
- establish procedures to identify the transfer or acquisition of a business for

purposes of the law.

<b>VIRGINIA</b>	HB 2137 (CH 91)	ENACTED March 21, 2005 EFFECTIVE July 1, 2005
	SB 1201 (CH 47)	ENACTED March 20, 2005 EFFECTIVE July 1, 2005

Financing

Amends state law to include SUTA dumping prevention provisions which:

mandate transfer of experience from one employer to another when there is substantially common ownership, management, or control; apply to both total and partial transfers;  
prohibit transfer of experience if a person becomes an employer by acquiring an existing business and if the purpose of the acquisition is to obtain a lower contribution rate; apply to persons, who prior to the acquisition of the business, (a) had no employees and (b) had some employees but not enough to be an employer for state law purposes;  
provide meaningful civil and criminal penalties for knowingly violating or attempting to violate the law's requirements, and for knowingly advising to violate the law; and establish procedures to identify the transfer or acquisition of a business for purposes of the law.

Provides that the Commissioner has not less than 30 (previously 10) days after the mailing of a written notice to an employing unit and an opportunity for hearing to determine whether an employing unit is an employer, whether services constitute employment, or whether a business transfer is illegal.

<b>WISCONSIN</b>	SB 426	ENACTED December 28, 2005
	(Act 86)	EFFECTIVE December 28, 2005, or as noted

Financing

Amends state law to include SUTA dumping prevention provisions which:

mandate transfer of experience from one employer to another when there is substantially common ownership, management, or control; apply to both total and partial transfers;  
prohibit transfer of experience if a person becomes an employer by acquiring an existing business and if the purpose of the acquisition is to obtain a lower contribution rate; apply to persons, who prior to the acquisition of the business, (a) had no employees and (b) had some employees but not enough to be an employer for state law purposes;  
provide meaningful civil and criminal penalties for knowingly violating or attempting to violate the law's requirements, and for knowingly advising to violate the law; and establish procedures to identify the transfer or acquisition of a business for purposes of the law.

Applies to transfers occurring after December 31, 2005.

Deletes language that excluded wages earned by claimants as volunteer firefighters, volunteer emergency medical technicians, or volunteer first responders from the definition of wages. (Resolves conformity issue.)

Deletes language concerning fraudulent claims that permitted recoupment of administrative assessments from future benefits. (Resolves conformity issue.)

#### Monetary Entitlement

Increases the minimum weekly benefit amount from \$49 to \$51, and the maximum weekly benefit amount from \$329 to \$341 beginning on or after January 2006.

Increases the minimum high quarter wages required for the maximum weekly benefit amount from \$8,225 to \$8,525 beginning on or after January 2006.

Increases the minimum weekly benefit amount from \$51 to \$53, and the maximum weekly benefit amount from \$341 to \$355 beginning on or after January 2007.

Increases the minimum high quarter wages required for the maximum weekly benefit amount from \$8,525 to \$8,875 beginning on or after January 2007.