

Amends the law to provide that the federal income tax refund of a person held liable to repay an amount to the fund of improper unemployment payments is subject to interception pursuant to Federal law and any rule adopted to implement that law. (Previously, the interception was only allowed as the result of a finding of fraud.)

CONNECTICUT

HB 6096
(P.A. No. 11-36)

ENACTED June 3, 2011
EFFECTIVE October 1, 2011

Appeals

Extends the 21-day time limit to appeal fraud and nonfraud overpayments if the appealing party can show good cause for the late filing.

Provides that if the last day for filing an appeal falls on a day when the offices of the Employment Security Division are not open for business, such last day shall be extended to the next business day.

Provides that an appeal filed by mail shall be considered timely if received within the 21-day period, or bears a legible U.S. Postal Service postmark indicating that the appeal was placed in the possession of postal authorities within the 21-day period. Excludes posting dates attributable to private postage meters in determining the timeliness of appeals filed by mail.

MAINE

SB 437
(CH 292)

ENACTED and EFFECTIVE June 10, 2011

Administration

Makes technical corrections to the definition of employment for services performed by an individual and requires the Commissioner of Labor to convene a stakeholder group to develop an employment test to be used in the administration of unemployment compensation law, workmen's compensation, Bureau of Labor Standards and other Department of Labor programs. Requires a report be submitted to the Joint Standing Committee on Labor, Commerce, Research and Economic Development by January 15, 2012.

MINNESOTA

HB 103
(CH 6)

ENACTED and EFFECTIVE March 9, 2011,
or as noted

Coverage

Modifies business owners provision. Provides that wage credits from an employer may not be used for unemployment benefit purposes by any applicant who is the spouse, parent or minor child (previously child) of any individual who owns or controls directly or indirectly 25 percent or more interest in the employer. Effective retroactively from July 1, 2010.

Extensions and Special Programs

Temporarily modifies the extended benefits program provisions concerning the EB “on” and “off” indicators by using a 3-year look-back for the optional indicators based on the seasonally adjusted total unemployment rate (TUR). This provision is effective retroactively from December 19, 2010, while the cost of extended unemployment benefits is 100 percent federally funded. The provision expires when Federal law no longer allows a 3-year look-back period.

MONTANA SB 342 ENACTED and EFFECTIVE March 30, 2011
(CH 98)

Nonmonetary Eligibility

Provides that the definition of "misconduct" includes but is not limited to the following:

- willful or wanton disregard of the rights, title, and interests of a fellow employee or the employer;
- deliberate violations or disregard of standards of behavior that the employer has the right to expect of an employee;
- carelessness or negligence that causes or is likely to cause serious bodily harm to the employer or a fellow employee; or
- carelessness or negligence of a degree or that reoccurs to a degree to show an intentional or substantial disregard of the employer's interest.

Excludes from the definition of “misconduct”:

- inefficiency, unsatisfactory conduct, or failure to perform well as the result of inability or incapacity;
- inadvertent or ordinary negligence in isolated instances; or
- good-faith errors in judgment or discretion.

NEVADA AB 484 ENACTED and EFFECTIVE June 17, 2011
(CH 493)

Extensions and Special Programs

Temporarily modifies the federal-state extended benefits (EB) program provisions concerning the EB “on” and “off” indicators by using a 3-year look-back for the optional indicators based on the seasonally adjusted total unemployment rate (TUR) for weeks of unemployment beginning on or after February 1, 2009, and ending before December 12, 2009, or the week ending 4 weeks (previously 3 weeks) before the last week of unemployment for which 100 percent Federal sharing is authorized under Federal law, whichever is later.

OREGON HB 2060 ENACTED and EFFECTIVE May 16, 2011
(CH 38)

Administration

Authorizes the Employment Department to disclose employment-related information to the Department of Human Services and the Oregon Health Authority to assist in the collection of debts that the Department of Human Services and the Oregon Health Authority are authorized by law to collect.

OREGON SB 638 ENACTED and EFFECTIVE March 24, 2011
(CH 11)

Extensions and Special Programs

Extends the Oregon Emergency Benefits Program (previously, the program expired on January 2, 2010). Defines the emergency benefit period to begin after April 15, 2011 and end on July 2, 2011 (previously October 4, 2009 to January 2, 2010). Provides that individuals continuing to meet eligibility requirements and who have exhausted all regular and extended benefits are eligible. Reduces the maximum benefits from 50 percent to 23 percent of their most recent unemployment benefit claim.

Provides that payments will stop immediately when the total payments made would exceed \$30 million (previously \$19 million). Program is repealed on January 2, 2014.

Financing

Provides that Oregon emergency benefits paid to individuals are not charged against an employer's account.

SOUTH DAKOTA SB 64 ENACTED and EFFECTIVE March 14, 2011
(CH 226)

Financing

Requires that interest paid on negative balances in employers' experience rating accounts be credited to their experience rating accounts. (Previously, no payments were credited.)

SOUTH DAKOTA SB 125 ENACTED and EFFECTIVE March 15, 2011
(CH 225)

Financing

Changes the period for computing an employer's contribution rate from at the beginning of any calendar year to June 30 of the preceding year beginning calendar year 2012 and each year thereafter.

Provides that the employer's reserve ratio for calendar year 2010 and 2011 shall be the result obtained by dividing the balance of credits existing in the employer's experience rating account by the total taxable payroll of the employer for the preceding 3 calendar years. For calendar year 2012 and thereafter, the employer's reserve ratio is the result obtained by dividing the balance of

Federal law, or by an extension thereof or amendment thereto. The amendment is also applicable with respect for weeks beginning in a high unemployment period.

VIRGINIA HB 2357 SB 1113 ENACTED and EFFECTIVE March 28, 2011
(CH 748) (CH 751)

Nonmonetary Eligibility

Requires the weekly benefit amount (WBA) not to be reduced by any amount payable of Social Security Act or Railroad Retirement Act retirement benefits if the individual has contributed to such retirement plans. (Previously, the law provided that the WBA will be reduced by 50 percent of Federal social security pensions only if the fund balance factor is below 50 percent, effective the first Sunday in January following such determination or the WBA will not be reduced by Federal social security pensions if the fund balance factor meets or exceeds 50 percent.)

WEST VIRGINIA SB 219 ENACTED and EFFECTIVE April 5, 2011
(CH 178)

Financing

Authorizes the Governor by executive order, after first notifying appropriate officials in writing, to borrow funds from the Revenue Center Construction Fund for deposit into the Unemployment Compensation Fund (UCF), to be expended accordingly. The amount of funds borrowed and outstanding may not exceed \$20 million at any one time, or the amount the Governor determines is necessary to adequately sustain the balance in the UCF at a minimum of \$20 million, whichever is less.

Restricts the Governor borrowing funds from the Revenue Center Construction Fund unless the Executive Director of Workforce West Virginia has projected that the balance in the state's UCF will be less than \$20 million at any time during the next 30 days

Provides that any funds borrowed shall be repaid from funds on deposit in the Unemployment Trust Fund in excess of \$20 million or from other funds legally available for such purpose, without interest, and redeposited to the credit of the Revenue Center Construction Fund within 180 days of their withdrawal. Provides that no amounts may be borrowed after September 1, 2011.

WISCONSIN SB 147 ENACTED and EFFECTIVE August 3, 2011
(Act No. 42)

Extensions and Special Programs

Temporarily modifies the federal-state extended benefits (EB) program provisions concerning the EB "on" and "off" indicators by using a 3-year look-back for both the mandatory indicator based on the insured unemployment rate (IUR) and the optional indicators based on the

seasonally adjusted total unemployment rate (TUR) for weeks of unemployment beginning on or after December 17, 2010, and ending on or before the earlier of the latest date permitted under Federal law (March 7, 2012), or the end of the fourth week prior to the last week established in Federal law permitting this provision for which the Federal Government pays 100 percent of most EB costs authorized by Federal law.