

U.S. DEPARTMENT OF LABOR
Employment and Training Administration
Washington, D.C. 20210

REPORT ON STATE LEGISLATION

REPORT NO. 1
June 2014

ALABAMA

SB 48
(Act No. 436)

ENACTED April 10, 2014
EFFECTIVE July 1, 2014

Financing

Adds the following to the definition of “employer”: (i) any employing unit (whether or not an employing unit at the time of acquisition) which acquired at least 65 percent of the organization, trade, employees, or business located in Alabama, or substantially all the assets thereof, of another employing unit which at the time of such acquisition was an employer subject to the unemployment compensation law; and (ii) any employing unit which acquires at least 65 percent of the organization, trade, employees, or business located in Alabama, or substantially all of the assets thereof, of another employing unit (not an employer subject to the unemployment compensation law) and which the employment record of such employment unit subsequent to such acquisition, together with the employment record of the acquired unit prior to such acquisition, both within the same calendar year, would be sufficient to constitute an employing unit an employer subject to the unemployment compensation law.

KANSAS

SB 371
(CH 9)

ENACTED April 1, 2014
EFFECTIVE July 1, 2014

Administration

Allows the Secretary of the Kansas Department of Labor to publish or otherwise disclose appeals records and decisions, and precedential determinations on coverage of employers, employment, and wages, provided all Social Security numbers have been removed.

Allows disclosure of any information obtained under the employment security law, including hearing transcripts, for use as evidence in a criminal investigation, or in open court in a criminal prosecution, or at an appeal hearing under the employment security law.

Allows disclosure of any information obtained under the employment security law, including hearing transcripts, to an agent or contractor of a public official to whom disclosure is permissible under the employment security law, except that any party receiving such information shall be prohibited from further disclosure and shall be subject to the same duty of confidentiality otherwise imposed and shall be subject to the penalties imposed for violations of such duty of confidentiality.

Financing

Provides that the additional penalty equal to 25 percent of the amount of benefits unlawfully received by an individual who knowingly made a false statement or representation or who knowingly failed to disclose a material fact to obtain or increase benefits shall be deposited into the State's employment security trust fund.

KANSAS SB 372
(CH 39)

ENACTED April 10, 2014
EFFECTIVE July 1, 2014

Extensions and Special Programs

Amends the shared work unemployment compensation program by providing that the secretary may approve, among other things, a shared work plan if:

- the shared work plan reduces the normal weekly hours of work for an employee, including regular part-time employees, in the affected unit by not less than 20 percent and not more than 40 percent;
- the shared work plan describes the manner in which the participating employer treats the fringe benefits of each employee in the affected unit, and the employer certifies that if the employer provides health benefits and retirement benefits under a defined benefit plan, as defined in 26 U.S.C. Section 414(j), or contributions under a defined contribution plan, as defined in 26 U.S.C. Section 414(i), to any employee whose workweek is reduced under the program that such benefits will continue to be provided to employees participating in the shared work compensation program under the same terms and conditions as though the workweek of such employee had not been reduced or to the same extent as other employees not participating in the shared work program;
- the employer certifies that the implementation of a shared work plan and the resulting reduction in work hours is in lieu of layoffs (previously, temporary layoffs) that would affect at least 10 percent of the employees in the affected unit and that would result in an equivalent reduction in work hours;
- the plan provides that eligible employees may participate, as appropriate, in training including, without limitation, employer-sponsored training or worker training funded under the Workforce Investment Act of 1998, to enhance job skills if such program has been approved by the state of Kansas;
- the employer includes a plan for giving advance notice, where feasible, to an employee whose workweek is to be reduced together with an estimate of the number of layoffs that would have occurred absent the ability to participate in shared work compensation and such other information as the secretary of labor determines is appropriate; and
- the terms of the employer's written plan and implementation are consistent with employer obligations under applicable federal and Kansas laws.

Deletes the provision that a shared work plan may not be implemented to subsidize employers who have traditionally used part-time employees.

Deletes the provision that the secretary may not pay an individual shared work benefits for any week in which the individual performs paid work for the participating employer in excess of the reduced hours established under the shared work plan.

MASSACHUSETTS

HB 4036
(CH 71)

ENACTED April 14, 2014
EFFECTIVE January 1, 2014

Financing

Provides that, for calendar year 2014, column E of the Experience Rate Table will be used to assign unemployment insurance contribution rates. Under column E, the fund balance must be 0.8 or more but less than 1.1 percent of taxable payrolls. For negative balance employers the minimum rate is 7.24 percent, and the maximum rate is 12.27 percent. For positive balance employers the minimum rate is 1.26 percent, and the maximum rate is 6.14 percent.

MISSOURI Rule 21246 2013
(8 CSR 10-3.085)

ADOPTED March 3, 2014
EFFECTIVE April 30, 2014

Financing

Requires reimbursable employers to reimburse the unemployment trust fund for all unemployment benefits paid to a claimant who was discharged by the employer for a reason set forth in Subsection 13 of Section 660.315, RSMo (previously, to a claimant who was placed on a disqualification list maintained by the Department of Health and Senior Services); or to a claimant who was placed on a disqualification registry maintained by the Department of Mental Health.

NEW JERSEY

AB 3812
(CH 271)

ENACTED and EFFECTIVE January 17, 2014

Administration

Requires the State registrar to facilitate the electronic notification, upon completion of the death record and issuance of a burial permit, of the decedent's name, Social Security number, and last known address to the Department of Labor and Workforce Development and the Department of Human Services to safeguard public benefit programs and diminish the criminal use of a decedent's name and other identifying information.

Requires the Department of Labor and Workforce Development to arrange for the electronic receipt of death record notifications from the New Jersey Electronic Death Registration System, and establish a verification system to confirm that benefits paid pursuant to the Temporary Disability Benefits Law and the unemployment compensation law are not being paid to deceased individuals.

Requires the Commissioner, as Administrator and Chief Executive Officer of the Department of Corrections, to compile and provide to the Department of Labor and Workforce Development and the Department of Human Services identifying information on each inmate incarcerated in

Changes (under the benefit ratio provisions) the definition of “payroll” from meaning the taxable payroll on which taxes have been paid on or before September 30 immediately following such June 30 to meaning the greater of (i) the taxable payroll on which taxes have been paid on or before September 30 immediately following such June 30, or (ii) \$1.

VIRGINIA SB 18
(CH 442)

ENACTED and EFFECTIVE March 31, 2014

Financing

Provides that no benefit charges shall be deemed the responsibility of an employer of an individual who leaves employment to accompany his spouse to the location of the spouse’s new duty assignment if (i) the spouse is on active duty in the military or naval services of the United States; (ii) the spouse’s relocation to a new military-related assignment is pursuant to a permanent change of station order; (iii) the location of the spouse’s new duty assignment is not readily accessible from the individual’s place of employment; and (iv) the spouse’s new duty assignment is located in a state that, pursuant to statute, does not deem a person accompanying a military spouse as a person leaving work voluntarily without good cause.

Nonmonetary Eligibility

Provides that an individual shall be disqualified for benefits upon separation from the last employing unit for whom he has worked 30 days or 240 hours or from any subsequent employing unit if the Commission finds such individual is unemployed because he left work voluntarily without good cause. “Good cause” shall not include voluntarily leaving work with an employer to accompany or to join his or her spouse in a new locality, except where an individual leaves employment to accompany a spouse to the location of the spouse’s new duty assignment if (1) the spouse is on active duty in the military or naval services of the United States; (2) the spouse’s relocation to a new military-related assignment is pursuant to a permanent change of station order; (3) the location of the spouse’s new duty assignment is not readily accessible from the individual’s place of employment; and (4) except for members of the Virginia National Guard relocating to a new assignment within the Commonwealth, the spouse’s new duty assignment is located in a state that, pursuant to statute, does not deem a person accompanying a military spouse as a person leaving work voluntarily without good cause.

WASHINGTON Rule 33539 2013
(WAC 192-250-035)

ADOPTED March 14, 2014
EFFECTIVE April 17, 2014

Extensions and Special Programs

Provides that, to participate in the shared-work program, a claimant must work between 50 (previously 10) percent and 90 (previously, 50) percent of his/her usual weekly hours to receive shared benefits. In any week he/she works less than or more than that amount, the claim will be processed as a regular unemployment claim.

WYOMING SB 74

ENACTED March 10, 2014

(CH 107)

EFFECTIVE July 1, 2014

Coverage

Excludes from the definition of employment service performed by a person acting as a fiduciary, and receiving reasonable compensation for fiduciary services pursuant to the Uniform Trust Code or the Wyoming Probate Code.

WYOMING

SB 76
(CH 101)

ENACTED March 10, 2014
EFFECTIVE July 1, 2014

Nonmonetary Eligibility

Defines “misconduct connected with work” to mean an act of an employee that indicates an intentional disregard of the employer’s interests or the commonly accepted duties, obligations, and responsibilities of an employee. “Misconduct connected with work” does not include: (a) ordinary negligence in isolated instances; (b) good faith errors in judgment or discretion; and (c) inefficiency or failure in good performance as the result of inability or incapacity.