

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

REPORT ON STATE LEGISLATION

REPORT NO. 4
December 2014

COLORADO

Rule 12712

ADOPTED June 9, 2014

Nonmonetary Eligibility

Defines “domestic violence” to mean an act or threatened act of violence, or any other act of aggression, abuse, coercion, or intimidation committed against the worker or a member of the worker’s immediate family, by a person with whom the worker or immediate family member is or has been involved in an intimate relationship, and that would cause a reasonable worker to believe his or her continued employment would jeopardize the safety of the worker or an immediate family member.

Defines “intimate relationship” to mean a relationship between past or present spouses, past or present unmarried couples, past or present household members, or parents of the same child, regardless of whether they have been married or have lived together.

Overpayments

Provides that, in determining whether requiring repayment of an overpaid amount is inequitable, the following factors, which are not exclusive, and any other relevant factors, shall be considered: the claimant was at fault in causing the overpayment through his or her negligence, carelessness, or acceptance of a payment that the individual either knew, should have known, or reasonably could have been expected to know was incorrect.

CONNECTICUT Rule 4913

ADOPTED June 9, 2014
EFFECTIVE June 6, 2014

Extensions and Special Programs

Provides the following changes to the shared-work plan program provisions:

- Removes the definition of “contributing employer” meaning an employer who is assigned a percentage rate of contributions under the provisions of Section 31-225a of the General Statutes of Connecticut.
- Removes the definition of “full-time employment” meaning services required of the employee of not less than 35 nor more than 40 hours per week.
- Redefines “normal weekly hours of work” to mean the usual hours of work for full-time or part-time employees in the affected unit when that unit is operating on its regular basis, not to exceed 40 hours and not including hours of overtime work. (Previously, defined as

the lesser of 40 hours or the average obtained by dividing the total number of hours worked per week during the preceding 12-week period by the number 12.)

- Redefines “shared work benefit” to mean an unemployment compensation benefit that is payable by the Administrator, Connecticut Labor Department, to an individual in an affected unit because the individual works a reduced number of hours under an approved shared-work plan, as distinguished from the unemployment benefits otherwise payable under the unemployment compensation provisions of Chapter 567 of the Connecticut General Statutes. (Previously, defined as an unemployment compensation benefit that is payable by the Administrator under [Special Act 91-17] to an individual in an affected unit because the individual works a reduced number of hours under an approved shared-work plan.)
- Redefines “shared-work plan” to mean a plan submitted by an employer, for approval by the Administrator, under which the employer requests the payment of short-time compensation to workers in an affected unit of the employer to avert layoffs. “Shared-work plan” includes a short-time compensation plan. (Previously, defined as a program for reducing unemployment under which employees who are members of an affected unit share the work remaining after a reduction in their normal weekly hours of work.)
- Provides that the Administrator, among other conditions, may approve a shared-work plan based upon compliance with the following:
 - Prior to July 1, 2014, the shared-work plan reduces the normal weekly hours of work for the participating employees in the affected unit by not less than 20 percent nor more than 40 percent. For shared-work plans effective on or after July 1, 2014, the shared-work plan reduces the normal weekly hours of work for the participating employees in the affected unit by not less than 10 percent nor more than 60 percent.
 - The participating employer certifies that the implementation of a shared-work plan and the resulting reduction in work hours are in lieu of layoffs (previously, temporary layoffs) that would affect at least 10 percent of all employees in the affected unit and would otherwise result in an equivalent reduction in work hours.
 - The participating employer has filed all reports required to be submitted pursuant to Sections 31-250-8 to 31-250-12, inclusive, of the Regulations of Connecticut State Agencies and either (1) has paid all contributions due for all past and current contribution periods or (2) has made all payments in lieu of contributions due for all past and current payments in lieu of contributions periods as required under Sections 31-225 and 31-225a of the Connecticut General Statutes. (Previously, number (2) was not a condition for plan approval.)
 - The participating employer certifies that participation in the shared-work plan and its implementation is consistent with the employer’s obligations under applicable federal and state laws.
 - A shared-work plan applies to full-time and part-time (previously, to only full-time) permanent employees and is not implemented to subsidize seasonal employers during any off-season period. (Previously, also applied to subsidized employers who have traditionally used part-time employees.)
- Provides, that among other eligibility conditions, the following must be met to receive shared work compensation:

- For shared-work plans effective prior to July 1, 2014, the individual's normal weekly hours of work have been reduced by at least 20 percent but not more than 40 percent, with a corresponding reduction in wages. For shared-work plans effective on or after July 1, 2014, the individual's normal weekly hours of work have been reduced by at least 10 percent but not more than 60 percent, with a corresponding reduction in wages; and
 - Notwithstanding any other provisions of the regulations relating to availability for work and actively seeking work, the individual is available for the individual's normal hours of work with the participating employer, which may include participating in training to enhance job skills that is approved by the Administrator, such as employer-sponsored training or training funded under the federal Workforce Investment Act of 1998.
- Provides that, effective prior to the week ending July 5, 2014, an individual who is eligible for shared work benefits shall not be eligible to receive a dependency allowance. For certified weekly claims effective on or after the week ending July 5, 2014, an individual who is eligible for shared work benefits shall be eligible to receive a dependency allowance.
 - Provides that an employer's chargeability under a shared-work plan will be subject to the provisions of Section 31-225a of the Connecticut General Statutes. Employers liable for payments in lieu of contributions in accordance with Section 31-225 of the Connecticut General Statutes shall have shared work benefits attributed to service in their employ in the same manner as unemployment compensation is attributed.

IOWA

HB 2199
(CH 1034)

ENACTED and EFFECTIVE March 26, 2014

Extensions and Special Programs

Modifies the voluntary shared-work program provisions (applicable to all voluntary shared-work plans approved by the Department of Workforce Development on or after July 1, 2014), as follows:

- The plan certifies that the aggregate reduction in work hours is in lieu of layoffs (previously, temporary layoffs) which would have affected at least 10 percent of the employees in the affected unit or units to which the plan applies and which would have resulted in an equivalent reduction in work hours. The plan requires the employer to provide an estimate of the number of layoffs that would occur absent participation in the program.
- Deletes the following sentence: Only full-time employees who normally work between 35 and 40 hours per week are eligible to participate.
- The reduction in hours and corresponding reduction in wages must be applied equally to all employees (previously, to all of the full-time employees) in the affected unit.
- The plan provides that fringe benefits will continue to be provided to employees in affected units as though their workweeks had not been reduced or to the same extent as other employees not participating in the program. "Fringe benefits" means employer-

provided health benefits and retirement benefits under a defined benefit plan or a defined contribution plan pursuant to the Internal Revenue Code.

- The plan is approved in writing by the collective bargaining representative for each employee organization or union that has members in the affected unit, and the plan provides for notification to employees in advance of participation.
- Participation by the employer shall be consistent with applicable federal and state laws.
- An individual shall be eligible for shared-work benefits for any week in which the individual performs paid work for the participating employer for a number of hours equal to not less than 20 percent and not more than 50 percent of the normal weekly hours of work for the employee. (Previously, provided that an individual shall be ineligible for 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.)
- All benefits paid under a shared-work plan shall be charged in the manner provided for the charging of regular benefits. (Previously, provided that, notwithstanding any other provisions of law, all benefits paid under a shared-work plan, which are chargeable to the participating employer or any other base period employer of a participating employee, shall be charged to the account of the participating employer under the plan.)
- A training program, as part of the plan, may include a training program funded under the Workforce Investment Act of 1998, Pub. L. No. 105-220.

LOUISIANA

SB 594
(Act No. 497)

ENACTED June 5, 2014
EFFECTIVE June 5, 2014,
or as noted

Financing

Provides that, notwithstanding other provisions of the unemployment compensation law, no contributing employer's reserve account or reimbursable employer's account shall be relieved of any charges for benefits relating to an improper benefit payment to a claimant established after October 21, 2013, if the improper benefit payment was made because the employer, or an agent of the employer, was at fault for failing to respond timely or adequately to the request for information relating to a claim for benefits. Any determination shall be transmitted to the last known physical or electronic address provided by the employer and may be appealed. (Retroactive effective to October 21, 2013.)

Provides that, in making determinations of claims, the Administrator of the Office of Employment Security shall require that information necessary for the prompt determination of claims be sought from each employer. Employers shall adequately and timely provide wage, employment, and separation information, and shall complete all forms and reports needed by the Administrator or his designee to make a proper determination. (Retroactive effective to October 21, 2013.)

Provides that a response to such requests shall be timely if it is received within the time specified in the notice (previously, within 10 days from the date of mailing). A response shall be adequate if it provides sufficient facts to enable the agency to make the correct determination. A response

shall not be considered inadequate if the agency failed to ask for all necessary information. (Retroactive effective to October 21, 2013.)

Provides that, if an employer fails to provide information in an adequate or timely manner without good cause, the employer shall be deemed to have abandoned its appeal rights, and a determination to that effect shall be issued. Any appeal filed by such an employer, other than with regard to the timeliness or adequacy of fulfilling its obligations shall be dismissed, and such employer shall be liable for any resulting benefits paid, except as otherwise provided. If the employer's failure to adequately or timely respond results in an improper benefit payment, the employer shall not be relieved of any charges for benefits. (Retroactive effective to October 21, 2013.)

MARYLAND

HB 1417
(CH 251)

ENACTED April 14, 2014
EFFECTIVE July 1, 2014

Extensions and Special Programs

Modifies the work sharing unemployment insurance program as follows:

- “Affected employee” means an individual to whom an approved work sharing plan applies, hired on a full-time basis or as a permanent part-time worker, who has been continuously on the payroll of an affected unit for at least 3 months immediately before the employing unit submits a work sharing plan. (Previously, an individual who has been continuously on the payroll of an affected unit for at least 3 months immediately before the employing unit submits a work sharing plan.)
- “Health and retirement benefits” means employer-provided health benefits and retirement benefits under a defined benefit pension plan as defined in Section 414(j) of the Internal Revenue Code or contributions under a defined contribution plan as defined in Section 414(i) of the Internal Revenue Code that are incidents of employment in addition to the cash remuneration earned.
- “Intermittent employment” means employment that is not continuous, but may consist of periodic intervals of weekly work and intervals of no weekly work.
- “Normal weekly work hours” means the usual hours of work for a full-time or regular part-time worker in the affected unit when that unit is operating on its regular basis, not to exceed 40 hours and not including overtime work. (Previously, the lesser of the number of hours in a week that an employee usually works for the regular employing unit or 40 hours.)
- “Temporary employment” means employment in which an employee is expected to remain in a position for only a limited period of time, or is hired by a temporary agency or other entity to fill a gap in the employer's workforce.

- “Work sharing plan” means a plan of an employing unit or employer association under which normal weekly work hours of affected employees are reduced to avoid layoffs and affected employees share the work that remains after the reduction.
- The work sharing unemployment insurance program is not intended to subsidize normal or expected fluctuations in economic activity that are an inherent part of an industry or occupation or an employer’s usual operation on a long-term basis.
- A decision by the Secretary of the Department of Labor, Licensing, and Regulation to disapprove a work sharing plan shall identify the reasons for the disapproval.
- Deletes the language providing that the work sharing plan shall apply to (i) at least 10 percent of the employees in the affected unit; or (ii) at least 20 employees in an affected unit in which the work sharing plan applies equally to all affected employees. Deletes the requirement that the normal weekly work hours of affected employees in the affected unit shall be reduced by at least 10 percent but, unless waived by the Secretary, the reduction may not exceed 50 percent. Deletes the language providing that the plan shall specify the effect that work sharing will have on the fringe benefits of each employee in the affected unit including health insurance for hospital, medical, dental, and similar services, and retirement benefits under benefit pension plans as defined in Section 3(35) of the federal Employee Retirement Income Security Act of 1974. Deletes the language providing that a work sharing plan may not subsidize an employing unit that traditionally has used employees who work less than 30 hours a week.
- Except as otherwise provided, the Secretary shall approve a work sharing plan that will meet, among other things, the following requirements:
 - identify each employee in the affected unit by name, Social Security number, normal weekly work hours, and any other information that the Secretary requires;
 - specify the requested start date of the work sharing plan that, unless waived by the Secretary for good cause, shall begin on a Sunday no earlier than 7 days after the plan is submitted and an expiration date that is not more than 6 months after the effective date of the work sharing plan;
 - provide for reduction of normal weekly work hours of affected employees in each affected unit which shall be: (1) applied equally to all employees in the affected unit for all weeks of the plan unless waived by the Secretary for good cause, and (2) at least 20 percent but not more than 50 percent of the normal weekly work hours of each employee;
 - identify any week during the term of the plan for which the employer regularly provides no work for its employees;
 - include an estimate of the number of employees who would be laid off in the absence of the plan and the aggregate normal weekly work hours for those employees that must be equivalent to the aggregate hours reduced under the work sharing plan;
 - include a brief description of the circumstances requiring the use of work sharing to avoid layoffs;
 - contain the employer’s certification that:

- the total reduction in normal weekly work hours under the work sharing plan is instead of temporary or permanent layoffs, or both, that would have affected at least one employee and that would have resulted in an equivalent reduction in work hours;
 - participation in the plan and its implementation is consistent with the employer's obligations under applicable federal and state laws;
 - the employer will not hire new employees in, or transfer employees to, the affected unit while the plan is in effect;
 - the work sharing plan will not serve as a subsidy for temporary or intermittent employment; and
 - health benefits and retirement benefits, if any, provided to any employee whose usual weekly work hours are reduced under the work sharing plan will continue to be provided to each employee participating in the work sharing plan under the same terms and conditions as though the usual weekly work hours of the employee had not been reduced; or to the same extent as other employees not participating in the program; and
 - contain the written approval of the collective bargaining agent for each collective bargaining agreement that covers any affected employee in the affected unit, and for any affected employee not covered by a collective bargaining agreement describe how notice of the plan will be provided to employees who will be subject to the plan, or if advance notice to employees subject to the plan is not feasible, provide a detailed explanation as to why advance notice is not feasible.
- An employer is deemed to have satisfied its obligation to provide the certificate if the employer certifies that a reduction in health benefits and retirement benefits scheduled to occur while the plan is in effect applies to employees who are participating in work sharing in the same manner as it applies to those employees who are not participating in work sharing.
- The work sharing employer shall, among other things, agree to allow the Department to have access to all records necessary to comply with any other requirement the Secretary deems necessary that is consistent with the state's unemployment insurance law and federal unemployment insurance law.
- The Secretary may not approve a work sharing plan that:
 - is submitted by a new employer as defined in Section 8-609 of the unemployment insurance law;
 - is submitted by an employer that has failed to file quarterly wage reports or other reports required under this title or pay all contributions, assessments, reimbursements in lieu of contributions, interest, and penalties due through the date of the employer's application; or
 - is inconsistent with the state's unemployment insurance law and the purpose of work sharing.

- An affected employee is eligible to receive work sharing benefits for each week in which the Secretary determines that the affected employee is able to work and is available for the employee's normal weekly work hours (previously, is available for more hours of work or full-time work) for the work sharing employer.
- An affected employee is able and available to work for the work sharing employer for all hours in which the employee participates in training, including employer-sponsored training or worker training funded under the Workforce Investment Act of 1998, to enhance job skills if the program has been approved by the Secretary and the training has been authorized by the employer.
- To compute work sharing benefits, the hours for which an affected employee receives paid leave (previously, holiday or vacation pay) shall be counted as hours worked if the affected employee performed some work during the work week.
- If the affected employee was absent from work without the approval of the employer or used unpaid leave, the affected employee will not be considered to have worked all the hours offered by the work sharing employer in a work week, and the employee shall be denied work sharing benefits for that week.
- An affected employee is eligible to receive not more than 52 (previously, 26) weeks of work sharing benefits during each benefit year.
- During a week in which an individual performs work under an approved work sharing plan and performs work for another employer, the individual's work sharing benefit shall be computed in the same manner as if the individual worked solely for the work sharing employer. (Previously, during a week in which an employee earns wages under an approved work sharing plan and other wages, the work sharing benefit shall be reduced by the same percentage that the combined wages are of wages for normal weekly work hours if the other wages: (i) exceed the wages earned under the approved work sharing plan; and (ii) do not exceed 90 percent of the wages the individual earns for normal weekly work hours.)
- An individual who is not provided any work by the work sharing employer during a week in which a work sharing plan is in effect, but who works for another employer and is otherwise eligible for unemployment benefits, may be paid regular benefits for that week subject to the disqualifying income requirements and other provisions applicable to claims for regular compensation.
- An individual who is provided less than 50 percent of the individual's normal weekly work hours with the work sharing employer during a week in which a work sharing plan is in effect, and is otherwise eligible for unemployment benefits, may be paid regular benefits for that week subject to the disqualifying income requirements and other provisions applicable to claims for regular compensation.

- The decision of the Secretary to revoke approval of a work sharing plan is final and is not subject to appeal.
- An affected employee who has received all of the work sharing benefits or combined unemployment benefits and work sharing benefits available in a benefit year shall be considered an exhaustee for purposes of extended benefits, and if otherwise eligible, shall be eligible to receive extended benefits.

Financing

Modifies the work sharing unemployment insurance program as follows:

- Except as provided in the next dot point, the Secretary shall charge pro rata against the earned rating record of each base period employer all regular benefits and the share of extended benefits in the same proportion as the wages paid by the base period employer is to the total wages of the claimant during the base period, and rounded to the nearest dollar.
- The Secretary shall charge all regular and extended benefits paid to a claimant against the earned rating record of an employing unit that caused the claimant's unemployment during any period in which the unemployment is caused by a shutdown of the employing unit: (1) to have employees take their vacations at the same time, (2) for inventory, (3) for retooling, or (4) for any other purpose that is primarily other than a lack of work and that causes unemployment for a definite period.
- The Secretary may not charge the earned rating record of an employing unit that has employed a claimant on a continuous part-time basis and continues to do so while the claimant is separated from other employment and is eligible for benefits because of that separation.

MISSISSIPPI

SB 2958
(CH 504)

ENACTED and EFFECTIVE April 21, 2014

Financing

Provides that, except as otherwise provided, the unemployment contribution rate of all newly subject employers shall be reduced by 0.03 percent for calendar year 2014 only. (The reduction was 0.07 percent for calendar year 2013 only.)

Provides that no employer's unemployment contribution rate shall exceed 5.4 percent nor be less than 0.2 percent.

Provides that the Mississippi Workforce Enhancement Training Fund shall be funded from Mississippi Workforce Enhancement Training contributions.

Provides that the state Workforce Investment Board Bank Account shall be funded from Mississippi Workforce Investment contributions.

Provides that the Mississippi Workforce Enhancement Training contributions and the Mississippi Workforce Investment contributions shall be collected at the following rates: (1) for calendar year 2014 only, at the rate of 0.19 percent based upon taxable wages; and (2) for calendar years subsequent to calendar year 2014, at the rate of 0.16 percent based upon taxable wages.

Provides that the Mississippi Workforce Enhancement Training Fund contributions and the Mississippi Workforce Investment contributions shall be in addition to the general experience rate plus the individual experience rate of all employers, but shall not be charged to reimbursing or rate-paying political subdivisions, or institutions of higher learning, or reimbursing nonprofit organizations.

Provides that the general experience rate for rate year 2014 shall be 0.2 percent and to that will be added the employer's individual experience rate for the total unemployment insurance rate.

Provides that, notwithstanding any other specific provisions, if the general experience rate for any tax year as computed and adjusted on the basis of the size of fund index is a negative percentage, it shall be disregarded and the general experience rate for the year shall be 0.2 percent. In no year shall the general experience rate be less than 0.2 percent, and in all cases the employer's total rate for unemployment insurance contributions shall be the sum of the general experience rate plus the employer's individual tax rate. However, the total contribution rate (including Workforce Enhancement Training and State Workforce Investment contribution rate) shall not exceed 5.4 percent for rate year 2014. To achieve the maximum tax rate of 5.4 percent for rate year 2014, the Workforce Enhancement Training and State Workforce Investment contribution rate shall be reduced in the amounts necessary to achieve the maximum rate of 5.4 percent. If the total rate still exceeds 5.4 percent, the individual experience rate is the component of the total tax rate that will then be reduced to achieve the maximum unemployment contribution rate of 5.4 percent. For rate years subsequent to 2014, the individual experience rate is the only component of the total unemployment tax rate that will be reduced to achieve the maximum unemployment contribution rate of 5.4 percent. For rate years subsequent to 2014, the Mississippi Workforce Enhancement Training Fund contribution rate and the State Workforce Investment contribution rate shall be added to the unemployment contribution rate, regardless of whether the addition of this contribution rate causes the total contribution rate for the employer to exceed 5.4 percent.

Provides that the cost of collection and administration of the Mississippi Workforce Enhancement Training Fund contribution and the State Workforce Investment contribution shall be allocated based on a plan approved by the United States Department of Labor (USDOL) and shall be paid to the Mississippi Department of Employment Security semiannually by the Mississippi Community College Board and the State Workforce Investment Board with the cost allocated to each based on a USDOL approved plan on a pro rata basis for periods ending in December and June of each year. Payment shall be made to the Department no later than 60 days after the billing date. Cost shall be allocated to the Mississippi Workforce Enhancement

Training Fund and the State Workforce Investment Board bank account on the same basis as the distribution of contributions collected as described in the following paragraph.

Provides that the Mississippi Workforce Enhancement Training contributions and the Mississippi Workforce Investment contributions shall be distributed as follows:

(i) for calendar year 2014, 94.75 percent shall be distributed to the Mississippi Workforce Enhancement Training Fund and the remainder shall be distributed to the State Workforce Investment Board bank account;

(ii) for calendar years subsequent to calendar year 2014, 93.75 percent shall be distributed to the Mississippi Workforce Enhancement Training Fund and the remainder shall be distributed to the State Workforce Investment Board bank account.

Provides that a portion of the funds collected for the Mississippi Workforce Enhancement Training Fund shall be used for the development of performance measures to measure the effectiveness of the use of the Mississippi Workforce Enhancement Training Fund dollars.

Provides that all funds deposited into the Mississippi Workforce Investment Board bank account shall be used for administration of the Mississippi Workforce Investment Board business, grants related to training, and other appropriate projects, and shall be nonexpiring.

Provides that the Department of Employment Security shall be the fiscal agent for the receipt and disbursement of all funds in the State Workforce Investment Board bank account. In managing the State Workforce Investment Board bank account, the Department shall ensure that any funds expended for contractual services rendered to the State Workforce Investment Board shall be paid only to service providers who have been selected on a competitive basis. Any commodities procured for the board shall be procured in accordance with the law. In addition to other expenditures, the Department shall expend from the State Workforce Investment Board bank account for the use and benefit of the State Workforce Investment Board, such funds as are necessary to prepare and develop a study of workforce development needs.

MISSOURI SB 510

ENACTED July 14, 2014
EFFECTIVE August 28, 2014

Nonmonetary Eligibility

Defines “misconduct” to mean conduct or failure to act in a manner that is connected with work, regardless of whether such conduct or failure to act occurs at the workplace or during work hours, which shall include:

- (a) Conduct or a failure to act demonstrating a knowing disregard of the employer’s interest or a knowing violation of the standards which the employer expects of his or her employee;
- (b) Conduct or a failure to act demonstrating carelessness or negligence in such degree or recurrence as to manifest culpability, wrongful intent, or a knowing disregard of the employer’s interest or of the employee’s duties and obligations to the employer;

- (c) A violation of an employer's no-call, no-show policy; chronic absenteeism or tardiness in violation of a known policy of the employer; or two or more unapproved absences following a written reprimand or warning relating to an unapproved absence unless such absences are protected by law;
- (d) A knowing violation of a state standard or regulation by an employee of an employer licensed or certified by the state, which would cause the employer to be sanctioned or have its license or certification suspended or revoked; or
- (e) A violation of an employer's rule, unless the employee can demonstrate that: (a) he or she did not know, and could not reasonably know, of the rule's requirements; (b) the rule is not lawful; or (c) the rule is not fairly or consistently enforced. (Previously, defined "misconduct" to mean an act of wanton or willful disregard of the employer's interest, a deliberate violation of the employer's rules, a disregard of standards of behavior which the employer has the right to expect of his or her employee, or negligence in such degree or recurrence as to manifest culpability, wrongful intent or evil design, or show an intentional and substantial disregard of the employer's interest or of the employee's duties and obligations to the employer.) (Deletes the provisions providing that absenteeism or tardiness may constitute a rebuttable presumption of misconduct, regardless of whether the last incident alone constitutes misconduct, if the discharge was the result of a violation of the employer's attendance policy, provided the employee had received knowledge of such policy prior to the occurrence of any absence or tardy upon which the discharge is based.)

Provides that, for the purpose of disqualifying an individual for leaving work voluntarily without good cause, "good cause" shall include only that cause which would compel a reasonable employee to cease working or which would require separation from work due to illness or disability.

NEW JERSEY

SB 3087
(CH 225)

ENACTED and EFFECTIVE January 17, 2014

Financing

Provides that, if an employee leasing agreement that used the Entity Level Reporting Method is dissolved as a result of the enactment of Senate Bill 3087, the employee leasing company shall provide all data to the Department of Labor and Workforce Development necessary to calculate the benefit experience of the client company and submit all required contributions and reports to the Department.

Requires an employee leasing company to use the Entity Level Reporting Method unless the company elects to use the Client Level Reporting Method. A company that elects to utilize the Client Level Reporting Method may change to the Entity Level Reporting Method, upon Department approval, once.

Provides that the Department shall transfer the employment experience, any past year credit, contributions paid, annual payrolls, and benefit charges of the client company to the employee leasing company as a successor in interest on July 1 of the year following the effective date of the employee leasing agreement. The employee leasing company shall immediately receive credit for prior contributions paid by the client company or another employee leasing company against wages in the tax year in which the agreement begins, and shall be subject to the existing rate of the employee leasing company. On or after the

effective date of the agreement, requires the Department to provide the client's prior unemployment insurance history within 15 days of request.

Requires the transfer of all employment experience to the client company or the succeeding employee leasing company on July 1 following the termination of an employee leasing agreement. A succeeding employee leasing company shall immediately receive credit for prior contributions paid by the predecessor company against wages in the tax year in which the agreement begins and the balance of the wages due in the tax year shall be subject to the rate of the successor company. Requires the Department to provide the employment history of the client company to either employee leasing company within 15 days of request, on or after the effective date of the agreement.

Changes the period to notify the Department of an employee leasing agreement from 15 to 30 days after the end of the quarter in which the agreement became effective, and to notify the Department of the termination of an agreement or an election to use the Client Level Reporting Method.

Requires an employee leasing company to make an election in writing to use the Client Level Reporting Method within 60 days after the effective date of enactment for calendar year 2014 or by September 30, 2014, for an election effective no later than July 1, 2015. The company must provide any data under the Entity Level Reporting Method deemed necessary by the Department within 30 days.

Provides that an employee leasing company not doing business in New Jersey can make the election to use the Client Level Reporting Method at the time of registration with the Department.

Requires an employee leasing company using the Entity Level Reporting method electing to use the Client Level Reporting Method to provide any data which the Department deems necessary within 30 days (previously, 15 days).

Provides that either the employee leasing company or the client company can hold the short-term private or public disability insurance policy covering employees.

RHODE ISLAND HB 7929
(P.L. 203)

ENACTED June 30, 2014
EFFECTIVE June 30, 2014,
or as noted

Coverage

Excludes from the definition of "employment" services performed by sole proprietors (owners), partners in a partnership, limited liability company-single member filing as a sole proprietor with the IRS, or members of a limited liability company filing as a partnership with the Internal Revenue Service (IRS).

Excludes from the definition of "employment" service performed by an individual in the employ of a sole proprietorship or limited liability company-single member filing as a sole proprietorship with the IRS for his or her son, daughter, or spouse, and service performed by a child under the age of 18 in the employ of his or her father or mother who is designated as a sole proprietorship or limited liability company-single member filing as a sole proprietorship with the IRS, and service is performed by an individual under the age of 18 in the employ of a partnership or limited liability company partnership consisting only of his or her parents or domestic partners.

Extensions and Special Programs

Removes the following work-sharing program provision: Work-sharing benefits shall be charged to the account of the work-sharing employer. Employers liable for payments in lieu of contributions shall be responsible for reimbursing the employment security fund for the full amount of work-sharing benefits paid to their employees under an approved work-sharing plan. Notwithstanding the above, any work-sharing benefits paid on or after July 1, 2013, which are eligible for federal reimbursement shall not be chargeable to employer accounts, and employers liable for payments in lieu of contributions shall not be responsible for reimbursing the employment security fund for any benefits paid to their employees on or after July 1, 2013, that are reimbursed by the federal government.

Financing

Provides that each employer that is liable for payments in lieu of contributions shall make payments to the Director, Department of Labor and Training, that shall include, but not be limited to, benefits paid but denied on appeal or benefits paid in error which cannot be properly charged against another employer either reimbursable or contributory; provided that if the benefits that were paid in error are subsequently repaid, those amounts shall be credited to the employer's account after repayment is actually received by the Director.

Provides that, if an employer transfers its trade or business, or a portion thereof, to another employer and, at the time of the transfer, there is any common ownership, management, or control of the two employers, then the unemployment experience attributable to the transferred trade or business shall be transferred to the employer to whom such business is so transferred. Furthermore, partial transfers may be made in the absence of common ownership at the discretion of the Director. The rates of both employers shall be recalculated.

Monetary Entitlement

Defines "credit amount," effective July 6, 2014, to mean earnings by the individual in an amount equal to at least 8 times the individual's weekly benefit rate.

Defines "credit week," for the period July 1, 2012, through July 5, 2014, to mean any week within an individual's base period in which that individual earned wages amounting to at least his or her weekly benefit rate for performing services in employment for one or more employers subject to Chapters 42-44 of the Rhode Island Employment Security Act. (Prior to July 1, 2012, "credit week" was defined as any week within an individual's base period in which that individual earned wages amounting to at least 20 times the minimum hourly wage for performing services in employment for one or more employers subject to Chapters 42-44 of the Rhode Island Employment Security Act.)

Nonmonetary Eligibility

Provides that, for benefit years beginning on or after July 6, 2014, an individual who leaves work voluntarily without good cause, or an individual who has been discharged for proved misconduct connected with his or her work, or if an otherwise eligible individual fails, without good cause,

either to apply for suitable work when notified by the employment office, or to accept suitable work when offered to him or her, he or she shall become ineligible for waiting period credit or benefits for the week in which the voluntary quit, discharge, or failure occurred and until he or she establishes to the satisfaction of the Director that he or she has, subsequent to that leaving, discharge, or failure had earnings greater than or equal to 8 times his or her weekly benefit rate for performing services in employment for one or more employers subject to Chapters 42-44 of the Rhode Island Employment Security Act. (Prior to July 6, 2014, an individual was ineligible until he or she had at least 8 weeks of work, and in each of those 8 weeks has had earnings greater than or equal to his or her weekly benefit rate for performing services in employment for one or more employers subject to Chapters 42-44 of the Rhode Island Employment Security Act.)

VIRGINIA

SB 110
(CH 818)

ENACTED May 23, 2014
EFFECTIVE January 1, 2015

Extensions and Special Programs

Establishes a Short-time Compensation Program and provides definitions. An employer is ineligible to participate if it has: negative unemployment experience; a maximum experience rate of 6.2 percent at the time of application or during the preceding year; an assigned new employer rate; or reduced its workforce by 20 percent or more during the six months prior to application.

Requires an employer to submit a plan for approval to participate in the program; the plan must:

- identify the affected unit(s), including the number of full- and part-time workers in the unit(s), the percentage of covered workers in each affected unit, the name and Social Security number for each participating employee, and the employer's account number and any other information needed to identify participants;
- provide a description of how workers will be notified if the plan is approved, including those in a collective bargaining unit, or a statement explaining why it is not feasible to notify them;
- identify the usual weekly hours of work for participating employees and the specific percentage by which the hours will be reduced during all weeks covered by the plan (must not be less than 10 percent or more than 60 percent) as well as identify any week there is no work due to a holiday or plant closing;
- certify that health and retirement benefits shall continue to be provided on the same terms and conditions as though the usual weekly hours had not been reduced or to the same extent they are provided for employees not participating in the plan; defined benefit plans must be credited as though the usual weekly hours of work are not reduced (plans based on a percentage of compensation may be less); and any scheduled reductions will be applicable to all participating and nonparticipating employees;
- certify that the reduction in work hours is in lieu of layoffs, and include an estimate of the number of workers who would have been laid off;
- agree to furnish reports to the Virginia Employment Commission; to allow access to all records necessary to approve, monitor, and evaluate the plan; and follow any directives the Commission deems necessary to implement the plan;

- certify that participation in and implementation of the plan is consistent with the employer's obligations under federal and state laws;
- specify the effective date and duration of the plan (plan may not exceed 6 months);
- include any other provision added to the plan by the Commission that the U.S. Secretary of Labor determines to be appropriate; and
- provide information regarding whether the plan is a transition to permanent layoffs.

Requires the Commission to approve or disapprove the plan in writing within 30 days of receipt. The reasons for disapproval must be identified if the plan is not approved, and the employer may submit another plan after 90 days of the disapproval date.

Provides that the plan shall expire at the end of 6 full calendar months after the date specified in the approval notice unless it is terminated by the Commission.

Allows the employer to terminate the plan upon written notice. Requires the Commission to notify employees in the affected unit of the termination date. An employer may submit a new plan any time after the expiration or termination date.

Allows the Commission to revoke approval of the plan at any time for good cause and must specify the reasons for revocation and the effective date in writing. Good cause includes failure to comply with assurances in the plan, unreasonable revision of productivity standards, conduct or occurrences that defeat the intent of the plan, and violation of any criteria on which approval of the plan was based.

Requires an employer to submit a written request for substantial plan modifications which identify the specific provisions to be modified and an explanation for why the modifications are appropriate. The Commission must notify the employer of the decision and the effective date, if approved, promptly. Every plan change must be reported in writing promptly to the Commission.

Provides that an individual is eligible for short-time compensation if he/she is eligible for regular unemployment compensation, employed as a member of an affected unit under an approved short-time compensation plan, and is available for the usual hours of work with the employer, which may include participation in training sponsored by the employer or approved by the Commission.

Provides that benefits be reduced by the percentage of reduction in the individual's weekly hours of work; the individual shall be eligible for no more than the maximum benefit amount for a benefit year established under regular compensation, and short-time compensation is limited to 26 weeks under a plan.

Requires that combined work for the short-time compensation employer and another employer must result in at least a 10 percent reduction of work hours or the minimum percentage reduction required to be eligible for short-time compensation, and that the weekly benefit shall be reduced by same percentage reduction. The individual is eligible for regular compensation in any week neither employer provides work. If a non-plan employer provides work during a week the short-

time compensation employer has no work, the individual is eligible for regular compensation subject to the applicable disqualifying income provisions.

Provides that employers shall be charged for short-time compensation in the same manner as regular compensation is charged.

Provides that individuals who have exhausted all regular compensation and short-time compensation are eligible to receive extended benefits.

Provides that, if any provision of this chapter is found to be in violation of federal law, such provision shall be inoperative and shall not invalidate other related provisions.

Requires reports to the Governor and the General Assembly on July 1, 2015, and July 1, 2016, on the status of the implementation of the short-time compensation program; the 2016 report shall include recommendations for alterations to the statutory authorization.

The short-time compensation provisions will be effective on January 1, 2015, and expire on July 1, 2016. If the Commission receives a federal grant to establish a short-time compensation program, the provisions will expire January 1, 2020.