

EFFECTIVE: December 30, 2017

Appeals

Establishes a rebuttable presumption of good cause and requires a hearing to be scheduled when an untimely appeal is filed within 180 days of the expiration of the timely filing period or when an appeal has been dismissed because the appealing party failed to appear for a scheduled hearing. The notice of hearing shall contain a statement that an objection may be made by the nonappealing party at the hearing. If the nonappealing party objects at the time of the hearing, the hearing officer shall determine whether good cause for the late filing has been shown. If good cause is determined, the hearing shall proceed. If the nonappealing party fails to object at the time of the hearing, the party waives the opportunity to object going forward.

An untimely appeal filed more than 180 days after the expiration of the timely filing period will result in a failure to establish good cause, dismissal of the appeal, and the decision becoming final. Good cause shall not be established when the appealing party fails to appear at a second hearing, the appeal shall be dismissed, no further hearing will be rescheduled, and the decision shall become final.

DISTRICT OF COLUMBIA B 493
Chapter 167

ENACTED: October 24, 2017
EFFECTIVE: October 24, 2017

Financing

Adds a provision to exempt from reimbursement benefits paid to victims of domestic violence, and their immediate family members.

GEORGIA GAC 300-2-4-.09

ADOPTED: September 1, 2017
EFFECTIVE: September 1, 2017

Monetary Eligibility

Effective on or after December 11, 2016, provides that an employer may file a low earnings report for employees who work less than full-time due to a company shutdown or employer established vacation period that occurs because of circumstances outside the employer’s control that directly effects the employer’s business operations.

IDAHO HB 335
(Chapter 338)

ENACTED: January 31, 2018
EFFECTIVE: January 1, 2018

Financing

Reduces the desired fund size multiplier used to calculate taxable wage base from 1.5 to 1.3 on or after January 1, 2018.

Provides a credit against future taxes for any overpayments resulting from tax payments made before the amended taxable wage rates are adjusted if the effective date of the adjustment is prior to January 1 of the following year.

ILLINOIS

SB 1381
Public Act No. 568

ENACTED: December 15, 2017
EFFECTIVE: December 15, 2017

Financing

Delays the increase in the change to the adjusted state experience factor from 2018 to 2020 and increases the calculation for the factor from 19 percent to 21 percent.

Increases the additional surcharge for employer contribution rates to 0.425 percent (previously 0.3 percent) and delays the increase from 2018 to 2020.

Monetary Eligibility

Effective in calendar year 2020 (previously 2018), delays the reductions of the calculation of: the weekly benefit amount from 42.9 percent to 40.3 percent of the individual's prior average weekly wage; the maximum weekly benefit amount for an individual with a nonworking spouse from 51.9 percent to 49.3 percent of the statewide average weekly wage; and the total maximum benefit amount in a benefit year from 25 times to 24 times the individual's weekly benefit amount, plus dependents' allowance.

IOWA

HB 533
Chapter 70

ENACTED: April 13, 2017
EFFECTIVE: July 2, 2017

Nonmonetary Eligibility

Provides that an individual separated from employment due to the individual's incarceration in a jail, municipal holding facility, or correctional institution shall be disqualified until the individual has worked and been paid wages in insured work equal to 10 times the individual's weekly benefit amount unless all of these conditions are met: the individual notified the employer in advance; criminal charges relating to the incarceration were not filed, were dismissed, or the individual was found not guilty; the individual reported back to the employer within two work days of release and offered services; and the employer rejected the individual's offer of services.

Provides that an individual disqualified for benefits based on the individual's separation from supplemental part-time employment must meet the conditions of requalification before any chargeable wages paid by the supplemental part-time employer shall be considered wages.

IOWA

ARC 3116

**ADOPTED: May 18, 2017
EFFECTIVE: July 12, 2017**

Administration

Updates the rule to reflect the electronic records system and procedures.

Eliminates the following reasons that a claim for benefits may be backdated: the individual presents sufficient grounds to justify or excuse the delay; a scheduled filing because of a mass layoff in the following week; the individual is given incorrect information by a workforce development employee; employer failure to comply with provisions of the law or rule; coercion or intimidation exercised by the employer to prevent the filing of the claim; and, within a specified time frame, failure of the department to discharge its responsibilities promptly in connection with the claim.

Requires a claimant be given the opportunity to present facts and evidence when vacation information is received that may affect the claimant's eligibility for benefits for any week claimed; the employer may be afforded an opportunity to present additional facts and evidence if the claimant provides such information and the claimant shall be given the opportunity to provide additional facts and evidence. A decision shall be made and a notice issued after all information has been reviewed.

Replaces the in-person fact-finding interview with a telephonic interview. Accommodation for an in-person interview may be requested under the Americans with Disabilities Act.

IOWA

ARC 3247

**ADOPTED: July 6, 2017
EFFECTIVE: September 6, 2017**

Administration

Defines the responsibilities of the Benefits Bureau, Tax Bureau, and Integrity Bureau of the Unemployment Insurance Service Division.

Amends the rule to require electronic filing for employers. Requires interstate claimants to file electronically and updates certain claims filing procedures to reflect electronic claims filing.

Provides that any communication transmitted to the Unemployment Insurance division is considered filed on the date it is received unless it is transmitted through the postal service or the State Identification Data Exchange System.

Requires a new employer account number be given to a contributory employer whose account had been terminated but who is again determined liable or a reimbursable employer who elects to be contributory.

Provides that no disqualification shall be imposed when a spouse left employment to accompany a military spouse's relocation.

Increases the amount of wages required to establish a second benefit year to eight times the weekly benefit amount from the claimant's previous benefit year (previously \$250).

Adds options repay to repay benefits when a combined wage claim is withdrawn and benefits have been paid, to include electronic, check or money order (previously cash or authorizing offset from benefits).

Requires a claimant in approved training outside the hours regularly worked in the base period employment to be available for work or actively seeking work.

IOWA

ARC 3401

ADOPTED: September 20, 2017

EFFECTIVE: November 15, 2017

Administration

Updates the rule to reflect the electronic records system and procedures.

Requires an employer changing its tax status (reimbursable to contributory or contributory to reimbursable) to be given a new employer account number.

KENTUCKY

HB 473

ENACTED: March 27, 2017

Chapter 133

EFFECTIVE: June 28, 2017

Administration

Amends the following confidentiality and disclosure provisions:

- Defines "agent" to mean one who acts for or in the place of an individual, an employing unit, or a public official by the authority of that individual, employing unit, or public official.
- Defines "public official" to mean an official, agency, or public entity within the executive branch of federal, state, or local government who or which has responsibility for administering or enforcing a law, or an elected official in federal, state, or local government.
- Provides that public officials and the agents and contractors of public officials, (previously, public employees) in the performance of their official duties, may be provided information and records, but the public officials (previously, agency) receiving the information and records shall assure the confidentiality, as required, of all information and records so released. Official duties do not include solicitation of contributions or expenditures to or on behalf of a candidate for public office or a political party.

- Provides that a contractor shall include temporary staffing engaged by the cabinet for any purpose in connection with the administration of the law.
- Provides that an agent of an individual or employing unit shall be provided the individual's or employing unit's information and records upon the presentation of a written release or other legally enforceable evidence of the informed consent of the individual or employing unit.
- Provides that an attorney retained by an individual or employing unit in any proceeding shall be provided the individual's or employing unit's information and records if the attorney asserts in writing that he or she is representing that individual or employing unit.
- Provides that an elected official performing constituent services shall be provided the individual's or employing unit's information and records if the official presents reasonable written evidence that the individual or employing unit has authorized the disclosure;
- Provides that a third party other than an agent, or third party on an ongoing basis, shall be provided the individual or employing unit's information and records if the individual or employing unit to whom the information pertains provides a signed written release specifying:
 - the information and records to be disclosed;
 - the purpose for which the information and records are sought, specifying the expected service or benefit to the individual signing the release, or specifying their use in the administration or evaluation of the public program to which the release pertains;
 - assurance that the information and records shall be used solely for that purpose;
 - all parties who may receive the information and records disclosed; and
 - that state government files shall be accessed to obtain information and records.
- Provides that disclosures shall be made only if the recipient has entered into a written, enforceable, and terminable agreement with the cabinet and has satisfied the safeguards set forth in federal statutes and regulations.
- Provides that precedential orders issued by the Unemployment Insurance Commission shall be released provided that Social Security numbers and employer identification numbers have been removed and the disclosure is otherwise consistent with federal and state law.
- Provides that statistical information derived from information and records obtained or made by the cabinet may be released to the Bureau of Labor Statistics under a cooperative agreement.
- Provides that recipients of information and records disclosed may redisclose the information and records only as follows:
 - to the individual or employing unit who is the subject of the information and records;
 - to an attorney or duly authorized agent representing the individual or employing unit;
 - in any civil or criminal proceedings for or on behalf of the recipient;
 - in response to a subpoena from a public official with authority to receive the information and records under state or federal law;
 - a public official may redisclose to an agent or contractor, but only if the public official retains responsibility for the uses of the confidential information and records

- by the agent or contractor and subject to the safeguards set forth in the disclosure agreement;
- a public official may redisclose to another public official;
 - a state or local child support enforcement agency may redisclose to its agent under contract for the purpose of carrying out child support enforcement; or
 - when specifically authorized by a written release for redisclosure to a third party other than an agent.

Financing

Amends section 341.540, KRS as follows:

- Provides that, if a nonsubject employer acquires all or part of the trade or business of a subject employer, the nonsubject employer shall file an application with the Office of Employment and Training, Department of Workforce Investment to establish an unemployment reserve account within 45 days of employing personnel. The application will be considered and processed in accordance with administrative regulations promulgated by the secretary and shall require information necessary to determine whether the nonsubject employer is a successor of the subject employer and to establish an initial unemployment contribution rate for the employer. Factors to be considered in the determination of successorship and the fixing of the initial rate shall include but not be limited to the employer's prior unemployment claims history, benefit charges, historical rate charges, and payment penalties assessed in the previous five years, in addition to other factors. After consideration of these factors, and others that the applicant may submit in justification of an initial rate determination, the secretary shall set an appropriate contribution rate. Any determinations of initial unemployment contribution rates shall not be effective prior to January 1, 2018.
- Provides that any nonsubject employer that is deemed a successor in whole or part upon submission of the application shall be allowed to make a one-time voluntary payment to pay off or reduce the negative reserve assumed from the predecessor. This payment shall be made within 60 days of receipt of the first notice of a negative predecessor reserve account. This one-time voluntary payment cannot exceed the amount of negative reserve assumed by the successor.
- Provides that the contribution rate of a successor in whole or in part, which was not a subject employer prior to succession, shall be determined by a review of the required application filed with the Office of Employment and Training, Department of Workforce Investment except if the secretary finds to the contrary, after a thorough investigation based on the use of specific objective factors.
- Provides that the secretary shall have the authority and discretion to set a contribution rate upon the providing of justification by a subject employer and consideration of relevant factors, including but not limited to certain specific factors.
- Provides that any delinquent surcharge or interest collected after July 31, 2017, shall not be subject to the credit provisions and shall be deposited into the penalty and interest account.

LOUISIANA EO 21 2017

ISSUED: August 31, 2017
EFFECTIVE: August 31, 2017

Effective August 31, 2017 through September 30, 2017, for certain parishes in the disaster area: suspends charging employers for benefit payments; waives certain work search requirements except that claimants must report via telephone or online; and suspends disqualifications for certain work separations related to good cause. An individual who performed no services but was paid by the employer is not considered unemployed.

MAINE SB 536
 Chapter 117

ENACTED: June 1, 2017
EFFECTIVE: November 1, 2017

Coverage

Adds services performed by an individual who volunteers for an employer or governmental entity to the list of services that are not considered employment.

Extensions and Special Programs

Adds “or annually reoccurring reductions of work at a year-round business that has not been determined seasonal” to the definition of intermittent employment, for the purposes of work sharing.

Financing

Repeals several obsolete provisions that amended the taxable wage base.

Nonmonetary Eligibility

Adds to the list of disqualifications for unemployment insurance a partial separation or reduction in hours requested by the employee and agreed upon by the employee and employer.

MISSISSIPPI Rule 321.00(B)(1) and (2)

ADOPTED: September 5, 2017
EFFECTIVE: October 5, 2017

Monetary Entitlement

Requires employers to respond to notices of a claim being filed or of an individual refusing to accept an offer of suitable work within 10 days from the date of mailing or electronic communication. (Previously 14 days).

Changed the number of days an employer has to report to the state a refusal of suitable work from 14 days to 10 days.

NEW JERSEY S 3176
 (Chapter 138)

ENACTED: July 21, 2017
EFFECTIVE: July 21, 2017

Temporary Disability Insurance

Changes the period for calculating worker contributions for temporary disability insurance and family temporary disability from a calendar year system to a fiscal year system, starting with 2018.

Requires the Department to post the estimated contribution rates for workers for the next calendar year to the Department website no later than 60 days after to the end of the prior fiscal year.

NEW JERSEY AB 4895
 Chapter 230

ENACTED: August 7, 2017
EFFECTIVE: August 7, 2017

Coverage

Removes from the list of services that are excluded from the term employment service performed as an intern in the employ of a hospital by an individual who has completed a 4-year course in a medical school approved pursuant to the laws of this State.

NORTH CAROLINA 31:21 NCR 2063

ADOPTED: August 17, 2017
EFFECTIVE: September 1, 2017

Administration

Requires individuals with an active claim or who are registered for work at a public employment office to notify the Department of Employment Security (DES) of a change in address, including email address, within seven days after the effective date of the change.

Allows claimants to receive electronic communication and provides that an individual may withdraw consent to receive electronic communication at any time with a written withdrawal of consent. Provides that, except as otherwise provided by law, the date and time of the electronic transmission to the email address provided by the claimant shall serve as the service date for purposes of calculating the time periods for correspondence, notices, deadlines, and filings.

Requires employers to submit information electronically.

Provides that any correspondence or appeals submitted electronically shall not include Social Security numbers or employer account numbers unless submitted through the Southeast Consortium Unemployment Benefit Initiative (SCUBI) system.

Establishes procedures for electronic communication and adds definitions related to the use of electronic transmission for communication with DES.

Identifies activities that an agent appointed with power of attorney may pursue for a claimant or employer with DES.

Requires employers to submit the customary number of hours worked by an employee in requests for separation information. For employees who were employed less than 100 days and were separated due to inability to perform the job, required information includes an explanation describing the job requirements, the claimant's inability to perform the duties, and steps taken by the employer to assist the claimant to perform the duties prior to the discharge.

Appeals

Allows electronic notification for hearing notices if the parties have elected to receive electronic communication and updates DES contact information and information required to file a claim, appeal, exception, requests or protests.

Requires a qualified legal representative to enter appeals or protests from any decision made by DES when acting pursuant to a power of attorney for a claimant or employer and requires a written notice. A representative authorized to act for a claimant or employer who is not qualified to serve as a legal representative may appear as a witness.

NORTH CAROLINA 31:22 NCR 2221

ADOPTED: August 17, 2017
EFFECTIVE: October 1, 2017

Administration

Adds electronic transmission to the overpayment notification rule.

Establishes procedures for claimant and employer notice when information is received from National Directory of New Hires that a claimant has returned to work. Requires claimant and employer to respond to requests for employment and wage information within 14 days of the date the notice was mailed or electronically sent.

Provides that if a claimant fails to respond to a Department of Employment Security (DES) request for employment and wage information within 14 days of the notice, the DES shall adjudicate an issue of eligibility for failure to report. If the claimant responds within 14 days, the DES will review the information received from the claimant or employer to make a determination if an overpayment of benefits exists.

Provides that if an employer fails to respond to a request for information within 14 days, the DES may find that an employer's response was untimely or inadequate. An employer's response may result in credits to or elimination of charges to the employer's account.

Provides that each party to a telephone hearing may notify the Appeals Referee of the names and phone numbers to be called.

Changes the number of days to protest benefit charges to 15 (previously 14).

Adds the following to the list of grounds for protesting charges: if a claimant has a new separation from employment occurring between the date that the claimant's benefit year began and the last week ending date for which the claimant was paid benefits, and a base period employer did not have an opportunity to request noncharging on the subsequent separation.

Requires the date the Adequacy Penalty Determination is mailed or sent to be included in the written notification to the employer. Clarifies the information that must be contained in an appeal of an Adequacy Penalty Determination. An appeal shall be filed within 15 days after the date the determination was sent.

Overpayments

Requires the DES to notify a claimant of an overpayment of benefits occurring as a result of a reversal of a previous decision that found the claimant eligible or not disqualified to receive benefits. The notice shall include: the date the determination was sent; the reasons for overpayment; the statutory authority for seeking repayment of the overpayment. Additionally, the notice shall inform the claimant that the notice has no protest rights; that only the underlying decision that ruled the claimant ineligible or disqualified can be protested; and the DES shall not consider a request to waive repayment while an appeal is pending or until the underlying decision that resulted in overpayment is final.

OHIO

OAC 4141-11-01

ADOPTED: December 5, 2016

EFFECTIVE: January 1, 2018

Administration

Revises the quarterly reports reporting process to mandate that the reports be filed electronically as prescribed by the director.

Amends the term "quarterly report" to read as "quarterly contributions and wage report" throughout.

Requires liable employers to file quarterly reports electronically until the director indicates they no longer have to file reports, and prescribes the date by which the reports must be filed

Allows the director the discretion to accept quarterly reports through other than the prescribed electronic method.

Allows the director to return improperly filed quarterly reports to the employer and deem them filed improperly.

OKLAHOMA

HB 1110
Chapter 345

ENACTED: May 31, 2017
EFFECTIVE: July 1, 2017

Administration

Provides that the provisions concerning the confidentiality and disclosure of information shall not prevent the Oklahoma Employment Security Commission (OESC) from disclosing employer tax information and benefit claim information to employees of a county public defender's office in the State of Oklahoma and the Oklahoma Indigent Defense System for the purpose of determining financial eligibility for the services provided by such entities.

Provides that the OESC can now release wage and benefit claim information to the Commission's required partners, previously, released only to non-profit corporation partners.

Provides that any information obtained by the OESC in connection with the administration of the employment service can now be released to a required partner whether a non-profit corporation or not.

Replaces the term "Workforce Investment Act" with the term "Workforce Innovation and Opportunity Act."

Financing

Provides that, if a professional employer organization (PEO) chooses the option to file quarterly tax returns under the account assigned to its client, and if the client has an experience history from a previous account assigned to that client that can be used in calculating an earned tax rate, then in addition to transferring the experience history of the account assigned to that client as a coemployer of that PEO, then, if taxable wages were reported by a client in a previous account of the client within the calendar year in which the PEO coemployer account is set up, the PEO coemployer account shall be given credit for the taxable wages paid on each employee in the immediately previous account under which client wages were reported.

Reduces the assigned tax rate beginning January 1, 2018, and ending December 31, 2022, by five percent, provided, the tax rate of employers assigned a tax rate pursuant to Section 3-110.1 of Title 40 of the Oklahoma Statutes shall not be reduced to less than one percent. Provides further that employers who qualify for an earned tax rate calculated pursuant to Section 3-109 of Title 40, and are given the highest tax rate in the rate table for the given year shall not be eligible for this rate reduction.

Creates a revolving "OESC Technology Fund" in the State Treasury that shall be separate and distinct from the Unemployment Compensation Fund and shall consist of: (1) all monies received from employers and paid for the OESC technology reinvestment apportionment; and (2)

financial instruments, certificates of deposit, bonds, and securities acquired by and through the use of monies in the OESC Technology Fund.

Provides that the OESC Technology Fund shall be a continuing fund not subject to fiscal year limitations. All monies accruing to the credit of the OESC Technology Fund are appropriated and shall be budgeted and expended solely for the purposes of modernizing the business processes and technology of the OESC. Expenditures from the OESC Technology Fund shall be made upon warrants issued by the State Treasurer against claims filed, as prescribed by law, with the Director of the Office of Management and Enterprise Services for approval and payment.

Provides that, unless legislative authority is provided, the total expenditures from the OESC Technology Fund shall not exceed \$39 million between January 1, 2018, and December 31, 2022. The Chief Information Officer of the Office of Management and Enterprise Services shall be consulted for recommendations prior to making expenditures. Additionally, the Office of Management and Enterprise Services shall provide periodic oversight of the technology modernization efforts and may assist the OESC in any manner necessary to accomplish the purposes of this fund. Any monies that remain in this fund after the new technology system has been brought online and made fully operational shall be transferred to the state Unemployment Compensation Fund. The State Treasurer shall be the custodian and treasurer of the OESC Technology Fund.

Provides for the assessment of the Technology Reinvestment Apportionment from January 1, 2018, to December 31, 2022, to each employer subject to the provisions of Sections 3-109, 3-110.1 and 3-113 of Title 40 in an amount equal to five percent of the unemployment taxes that would be owed to the OESC before any rate reduction is made. This Apportionment shall be in addition to any contribution which that employer is required to make and shall be made and collected by the OESC for deposit, on a monthly basis, to the credit of the OESC Technology Fund.

Provides that the Apportionment shall not be considered part of any unemployment taxes required of an individual employer, nor shall it be considered in determining the individual employer's tax rate. Employers making payments in lieu of contributions pursuant to Sections 3-702, 3-705 and 3-806 of Title 40 shall be exempt from the Apportionment.

The OESC shall create an annual report detailing the collection of the Apportionment funds and the expenditures from the OESC Technology Fund. The report shall be filed with the Governor, the President Pro Tempore of the Senate, the Speaker of the House of Representatives, the State Treasurer, the State Auditor and Inspector, and the Director of the Office of Management and Enterprise Services on or before March 31 of each year following July 1, 2017, and shall continue until all money in the OESC Technology Fund is expended or transferred to the state Unemployment Compensation Fund.

Provides that the balance of the OESC Technology Fund on July 1 of any given year shall be used in the calculation of conditional factors pursuant to Section 3-113 of Title 40, as long as the OESC Technology Fund has a balance greater than zero. The calculation shall be conducted in the following manner: the balance of the OESC Technology Fund as of July 1 of any given year

shall be aggregated with the balance of the state Unemployment Compensation Fund as of July 1 of the same year, with the resulting sum to be used in the calculation of the conditional factors as set out in Section 3-113 of Title 40. The aggregate of the two fund balances shall only be for the purpose of the calculation and in no way shall balances in these two funds be commingled.

Repeals Section 40-3-809 related to Group Accounts.

Nonmonetary Eligibility

Provides that the between and within terms denial provisions no longer apply to services performed by an individual described in Section 1-210(2) (these are agent drivers or commission-drivers or traveling or city sales persons).

OREGON OAR 471-030-0075 ADOPTED: August 25, 2017
EFFECTIVE: August 25, 2017

Nonmonetary Eligibility

Provides that an educational employee who voluntarily leaves work for good cause, as defined by statute, does not have reasonable assurance with the employer from whom the individual just left.

OREGON OAR 471-030-0025 ADOPTED: September 1, 2017
EFFECTIVE: September 1, 2017

Administration

Requires individuals to respond to requests for information necessary to process an unemployment insurance claim within five calendar days when the request is made in writing, or within 48 hours if the request is made by phone, fax, email, or other electronic means.

OREGON OAR 471-030-0025 ADOPTED: September 1, 2017
EFFECTIVE: September 1, 2017

Nonmonetary Eligibility

Establishes the requirement that unemployment insurance recipients respond to information requests from the Employment Department within five calendar days of the date of the postmark for a request provided by letter and within 48 hours for requests provided by phone, fax, email, or other electronic means.

PENNSYLVANIA HB 1915 ENACTED: December 20, 2017
Act No. 60 EFFECTIVE: December 20, 2017

Administration

Amends the funding statute for the Service and Infrastructure Improvement Fund and provides maximum amounts, for calendar years 2018-2021, that may be deposited into the fund.

Outlines certain additional reporting requirements related to the Service and Infrastructure Improvement Fund and extends through 2024 (previously 2020) when annual reports related to the fund must be filed with the Governor and General Assembly.

Establishes the Benefit Modernization Advisory Committee to advise the department regarding the implementation and deployment of technological upgrades to the unemployment insurance delivery system.

Extends the date on which remaining funds in the Service and Infrastructure Improvement Fund are to be transferred to the Unemployment Compensation Fund to December 31, 2023 (previously December 31, 2019).

RHODE ISLAND SB 675
Public Law 93

ENACTED: June 29, 2017
EFFECTIVE: June 29, 2017

Extensions and Special Programs

Amends the work-sharing benefits provisions as follows:

- Removes the requirement that the reduction in hours worked be spread equally among employees in the affected unit.
- Provides that a work-sharing plan shall be effective on the date that is mutually agreed upon by the employer and the director, which shall be specified in the notice of approval sent to the employer. (Previously, a plan was effective on the date specified in the plan, or on the first Sunday following the date on which the plan was approved by the director, whichever is later.)

SOUTH CAROLINA R 47-104

ADOPTED: May 26, 2017
EFFECTIVE: May 26, 2017

Nonmonetary Eligibility

Requires at least two job searches each week through the South Carolina Works Online System to be considered an active work search. The requirement can be waived for good cause that includes, but is not limited to, verifiable electronic access and/or language barriers.

SOUTH DAKOTA HB 1097

ENACTED: March 10, 2017

Financing

Provides that an employer’s contribution rate shall be determined based upon one of two schedules tied the state’s average high cost multiplier (AHCM). (Previously one schedule based on an employer’s reserve ratio.) Schedule A, with rates ranging from zero percent to 9.45 percent, is in effect when the AHCM is less than 1.6 and schedule B, with rates ranging from zero percent to 9.35 percent, is in effect when the AHCM is greater than or equal to 1.6. The new rate schedules go into effect for contributions rates applied to taxable wages paid on or after January 1, 2018.

Adds an administrative fee to experience rated employers with a reserve ratio less than 2.25 percent in an amount equal to 0.02 percent. The proceeds from the administrative fee are deposited into the employment security administration fund and are not credited to an employer’s experience-rating account.

UTAH

R994-403-202

ADOPTED: June 15, 2017
EFFECTIVE: May 30, 2017

Nonmonetary Eligibility

Requires approved training to meet certain criteria unless waived or modified to meet state or federal law, including:

- The claimant’s unemployment is chronic or is likely to be chronic or persistent due to specified factors;
- In-school training is the only available training;
- Training is vocationally oriented unless the claimant has no more than two term, quarters, semesters or similar periods necessary to obtain a degree;
- There is a reasonable expectation of employment using the skills acquired in training based on labor market conditions at the time of completion;
- The claimant did not leave work to attend school even if the training was required by an employer; and
- The school is full-time as defined by the training facility

WEST VIRGINIA

SB 222
Act No. 245

ENACTED: April 8, 2017
EFFECTIVE: July 7, 2017

Nonmonetary Eligibility

Provides that individuals may not be denied benefits as a result of a lockout. Additionally, the operation of the facility by nonstriking employees of the company is not a reason to pay unemployment compensation to striking employees. If the facility operates with workers hired to permanently replace the workers on strike, the striking workers shall be eligible for payments.

Employees shall be considered to be locked out if: they present themselves physically at the workplace; identify themselves as reporting for work; the employer denies them the opportunity for work; and instructs them to leave the premises. Employees are considered to be permanently replaced if their current employer is subject to a strike or other bona fide labor dispute, and the positions of the employees have been occupied by other employees who have been notified that they are permanently replacing the employees who previously occupied the positions.