

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

REPORT ON STATE LEGISLATION

Cumulative Report CY 2019

This report summarizes recent amendments to state Unemployment Insurance laws and regulations. It is one of three regularly-provided reports from the Office of Unemployment Insurance (OUI) Division of Legislation. It may be used in conjunction with the Significant Provisions of State Unemployment Insurance Laws and The Comparison of State Unemployment Insurance Laws. An index of topics that can be cross-referenced to chapters in the Comparison is found at the end of this document.

The Report on State Legislation is issued solely for informational, reference, and research purposes. It is not an official interpretation of state UI laws. The state statutes and regulations should be consulted for the full text.

Any comments or corrections may be directed to one of the following staff: John Schuettinger at 202-693-2680, Julie Balster at 202-693-3615, or Tiffany Agnew at 202-693-2998.

State-specific information on filing a UI claim, employment assistance, or employer information is available online at <https://www.careeronestop.org/localhelp/unemploymentbenefits/unemployment-benefits.aspx>.

**ALABAMA**

AAC 480-1-4

ADOPTED: August 6, 2019

EFFECTIVE: August 26, 2019

Appeals

Changes the name and address of the division within the Alabama Department of Labor where appeals must be filed.

Provides that appeals shall be filed in writing and include the facts alleged and the grounds upon which a review is sought.

Repeals the provision allowing appeals to be filed in person or by telephone.

Provides that appeals may be heard using the teleconferencing method

**ALABAMA**

AAC 480-4-3-.15

ADOPTED: August 6, 2019

EFFECTIVE: August 29, 2019

Nonmonetary Eligibility

Provides an exception to seeking full-time work for persons with disabilities, so long as they establish a reasonable and active effort to secure work similar to their previous history, experience, and training and which is supported by medical documentation.

**ALABAMA**

AAC 480-4-2.23

ADOPTED: September 5, 2019

EFFECTIVE: September 27, 2019

Appeals

Provides that if an employer fails to submit a written request to protest liability within 15 days of the date the notice of determination is mailed, the determination will become final.

Provides that newly liable and successor employers may appeal liability decisions to the Circuit Court. Limits scope of review when employer protests a change in liability date, tax rate notice, or assessment to not include another opportunity to protest liability.

Reduces time limit for employers to request a review of quarterly benefit charges from 90 days to 30 days from the date of notification.

Adds time limits and appeal requirements for employers that disagree with Department-issued worker classification determinations.

## Financing

Requires the issuance of an assessment of the amount due for employers that fail to properly report payroll information or that make an incorrect, incomplete, or insufficient report.

### **ALABAMA**

SB 193  
Act No. 2019-204

ENACTED: May 21, 2019  
EFFECTIVE: January 1, 2020

## Monetary Entitlement

Reduces duration from a maximum of 26 weeks to a duration ranging from 14 to 20 weeks. Ties duration to state's average unemployment rate. If state's average unemployment rate is at or below 6.5 percent, duration will be 14 weeks. Duration increases by one week for each 0.5 percent increase in state's average unemployment rate, to a maximum of 20 weeks. Duration would be the lesser of 14-20 times the weekly benefit amount (WBA) or one-fourth of base period wages.

Provides that the weekly benefit amount WBA will be based on an equal division of the current weeks compensated.

Increases the maximum WBA from \$265 to \$275, effective for benefit years beginning on or after January 1, 2020.

## Nonmonetary Eligibility

Provides that an individual who is enrolled in and making satisfactory progress in an approved job training or certification program for a high wage, high demand occupation is entitled to an additional five weeks of benefits.

Reduces the minimum disqualification for a voluntary quit from six times the WBA to three times the WBA; the maximum disqualification is reduced to nine times the WBA from twelve times the WBA.

Reduces the minimum disqualification for an individual discharged for misconduct from four weeks to two weeks (the week of discharge and the following week); the maximum disqualification (including the week of discharge) is reduced from eight weeks to four weeks.

Reduces the maximum period of disqualification for failure to accept suitable work from ten weeks from the date of failure to five weeks.

**ALASKA**

8 AAC 85

ADOPTED: June 19, 2019

EFFECTIVE: July 19, 2019

Monetary Entitlement

Requires, as a condition of canceling a monetary determination and benefit year, that an individual has terminated any disqualification for false statement or misrepresentation

Provides that if an individual does not have enough benefit credits for a regular base period, but has sufficient credits for a regular base period in another state, a claim must be filed with that state.

Nonmonetary Eligibility

Defines a customary commutable area, for purposes of assessing able and available status when a claimant travels, as an area where a claimant customarily commutes to and from work each day.

**ARKANSAS**

HB 1522

ENACTED: March 13, 2019

Act No. 462

EFFECTIVE: July 24, 2019

Financing

Provides that if an employer's business was closed solely because of the entrance of one or more of the owners, officers, partners, or the majority stockholder into state active duty with the Arkansas National Guard, the employer's account will, for experience rating purposes, not be considered as terminated. If the employer resumes the business within one year after the discharge or release from state active duty, the employer's experience shall be deemed to have been continuous through the closed period.

**ARKANSAS**

HB 1850

ENACTED: April 16, 2019

Act No. 1055

EFFECTIVE: July 24, 2019

Coverage

Provides that an employer or agency charged with determining the employment status of an individual shall use the twenty-factor test enumerated by the Internal Revenue Service (IRS) in making its determination.

Amends definition of employment to mean service performed by an individual for an employer for wages in a lawful business, industry, trade, profession, or enterprise, and the individual's employment status has been determined by consideration of the twenty-factor test.

**ARKANSAS**

SB 297  
Act No. 374

ENACTED: March 8, 2019  
EFFECTIVE: July 24, 2019

Financing

Permits the Department of Workforce Services Special Fund, which consists of interest and penalty payments collected from contributions and overpayments, to be used for refunds of interest and penalties erroneously paid and other additional purposes determined to be necessary to the proper administration of the Arkansas Workforce Innovation and Opportunity Act (WIOA), the Temporary Assistance for Needy Families program, the Arkansas Works Act of 2016, and any other programs under the direction and supervision of the Department of Workforce Services.

**ARKANSAS**

SB 298  
Act No. 512

ENACTED: March 19, 2019  
EFFECTIVE: July 24, 2020

Financing

Adjusts taxable wage base according to the average seasonal unadjusted insured unemployment rate for the period of July 1 through June 30 of the most recently completed state fiscal year as follows:

- \$7,000 or the Federal taxable wage base, if the rate is 0% to 1%;
- \$8,000 or \$1,000 above the Federal taxable wage base, if the rate is 1.01% to 1.49%;
- \$9,000 or \$2,000 above the Federal taxable wage base, if the rate is 1.5% to 2.19%;
- \$10,000 or \$3,000 above the Federal taxable wage base, if the rate is 2.20% or greater.

The taxable wage base will be \$11,000 if disbursements from the trust fund exceed \$200 million and the balance of the trust fund is less than \$600 million. The taxable wage base will be \$12,000 if disbursements from the trust fund exceed \$250 million and the balance of the trust fund is less than \$400 million.

Taxable wage base adjustments are effective for the calendar year beginning after December 31, 2019.

**ARKANSAS**

SB 299  
Act No. 453

ENACTED: March 13, 2019  
EFFECTIVE: October 1, 2019

Financing

Provides that any portion of the fraud penalty in excess of 15 percent shall be deposited into the UI Integrity Fund subaccount in the Department of Workforces Services Special Fund, to be used exclusively for integrity activities.

### Monetary Entitlement

Increases the number of weeks of wages, subsequent to filing the claim for the previous benefit year, required to requalify for benefits on a succeeding benefit year claim from eight weeks to ten weeks. Requires that such wages are from insured work.

### Nonmonetary Eligibility

Provides that light duty work is considered suitable for a worker on approved medical leave from their employer due to the unavailability of light-duty work unless the majority of the number of weeks of work during the period used to determine monetary eligibility were spent performing work that the worker is currently unable to perform due to medical restrictions.

Requires 30 days of work, subsequent to the effective date of a disqualification for voluntary quit, discharge for misconduct, and refusal of suitable work, for an individual to qualify for benefits.

Provides that a partial week of separation pay shall be treated as a payment for a full week of separation in applying a disqualification for separation pay.

### Overpayments

Increases the required weeks of wages to requalify for benefits from 10 weeks to 20 weeks from the effective date of the disqualification for fraud. In addition, any weekly benefits payable subsequent to the determination and within the same benefit year of the fraud are terminated.

Increases the period of time for which a fraud disqualification will not be applied from two and one-half years to five years from the date of delivery or mailing of the determination.

Adds provision that disqualifies an individual until benefits collected fraudulently, as well as any other penalties, interest, and costs assessed, are repaid.

Increases the penalty for fraudulent overpayments from 15 percent to 50 percent. Provides for a reduction in the penalty to 15 percent if the overpayment is repaid within 30 days of the mailing date of the determination.

Allows for waiver of recovery if the overpayment was received as a direct result of an error by the agency and its recovery would be against equity and good conscience.

**ARKANSAS**

SB 300  
Act No. 454

ENACTED: March 13, 2019  
EFFECTIVE: March 13, 2019

Financing

Extends the collection period of the stabilization tax from June 30, 2019 to June 30, 2023.

**ARKANSAS**

SB 302  
Act No. 375

ENACTED: March 8, 2019  
EFFECTIVE: July 24, 2019

Financing

Provides that 15 percent of the penalty assessed on all fraudulent overpayments will be credited to the unemployment compensation fund, and the remainder shall be credited to a new subaccount in the Department of Workforce Services Special Fund. Funds in the subaccount will be used solely for activities to protect the integrity of the unemployment insurance program that are necessary to the proper administration of the program. Requires the director to report to the Legislative Council on a quarterly basis regarding all uses of the subaccount.

\* NOTE: See SB 299 regarding the UI integrity Fund subaccount.

**ARKANSAS**

SB 303  
Act No. 455

ENACTED: March 13, 2019  
EFFECTIVE: July 24, 2019

Financing

Amends employer penalty provision to include situations when the employer files a timely quarterly wage report reflecting no wages were paid, but then subsequently files an amended quarterly wage report that reflects the required employee information and is filed more than 20 days after its due date.

**ARKANSAS**

SB 589  
Act No. 936

ENACTED: April 12, 2019  
EFFECTIVE: July 24, 2019

Administration

Adds the Directors of the Department of Workforce Services and the Office of Skills Development to the Data and Transparency Panel. Adds a duty to develop a unified longitudinal system that links existing agency information for education and workforce outcomes to conduct a business assessment to:

- develop an improved understanding of individual outcomes resulting from education and workforce activities;
- identify opportunities for using real-time information; and
- continuously align programs and resources to the evolving economy of the state.

**CALIFORNIA**

AB 5  
Chapter 2019-296

ENACTED: September 18, 2019  
EFFECTIVE: January 1, 2020

Coverage

Codifies the classification test to determine if a worker is an employee or an independent contractor of a hiring entity. Provides that a person shall be considered an employee rather than independent contractor unless all of the following conditions (known as the ABC test) are satisfied:

- A: Be free of control and direction of the hiring entity in connection with the work performed,
- B: Perform work outside the usual course of business of the hiring entity, and
- C: Customarily perform work independently in an established trade, occupation, or business.

For specific occupations or if it is determined that the ABC test cannot be applied to a particular context in order to determine employment status, then the determination of employee or independent contractor status shall be governed by the California Supreme Court's decision in *S. G. Borello & Sons, Inc. v. Department of Industrial Relations* (Otherwise known as the Borello test).

**CALIFORNIA**

AB 170  
Chapter 2019-415

ENACTED: October 2, 2019  
EFFECTIVE: October 1, 2020

Coverage

Continues the determination that a newspaper distributor under contract with a newspaper publisher or a newspaper carrier working under a contract either with a newspaper publisher or a newspaper distributor, is governed under the existing Borello test until January 1, 2021.

**CALIFORNIA**

AB 378  
Chaptered 2019-385

ENACTED: September 30, 2019  
EFFECTIVE: January 1, 2020

Coverage

Provides that family childcare providers are not public employees and no employer-employee relationship exists between the provider and the state when providers administers state-funded programs.

**CALIFORNIA**

AB 406  
Chapter 2019-386

ENACTED: September 30, 2019  
EFFECTIVE: January 1, 2020

Temporary Disability Insurance

Requires the Employment Development Department to distribute the application for temporary disability insurance (TDI) benefits in all non-English languages spoken by a substantial number of non-English speaking applicants as defined by code.

**CALIFORNIA**

AB 593  
Chaptered 2019-611

ENACTED: October 8, 2019  
EFFECTIVE: January 1, 2020

Administration

Allows the chief elected official of local workforce investment areas access to confidential Unemployment Insurance wage records and quarterly wage data, to the extent permitted by state and federal laws and regulations, to fulfill specific reporting requirements and evaluations of workforce investment programs.

**CALIFORNIA**

AB 991  
UIC 3302.1

ENACTED: October 3, 2019  
EFFECTIVE 1: October 3, 2019  
EFFECTIVE 2: January 1, 2021

Temporary Disability Insurance

Renumbers the section for “disability benefit period” as it relates to temporary disability insurance (TDI) benefits, and adds that the section will be repealed on January 1, 2021.

Adds the term “Covered Active Duty” and adds the term to the list of situations in which a claimant may be covered under TDI benefits. Adds that the new definition of “disability benefit period”, which includes the term “covered active duty”, will be operative January 1, 2021.

**CALIFORNIA**

AB 1296  
Chaptered 2019-626

ENACTED: October 8, 2019  
EFFECTIVE: January 1, 2020

Administration

Allows the Joint Enforcement Strike Force on the Underground Economy to have access to quarterly wage data to the extent permitted by state and federal laws and regulations to fulfill specified investigative requirements.

**CALIFORNIA**AB 1340  
Chapter 2019-519ENACTED: October 4, 2019  
EFFECTIVE: January 1, 2020Administration

Provides that the Bureau for Private Postsecondary Education within the Department of Consumer Affairs have access to any quarterly wage data to the extent permitted by state and federal laws and regulations to fulfill specified evaluation and reporting requirements.

**CALIFORNIA**SB 83  
Chapter 2019-24ENACTED: June 27, 2019  
EFFECTIVE: June 27, 2019Administration

Establishes a tracking system to enable the collection of discrimination and harassment complaint data across state agencies and provides that each agency shall be charged to recover the costs for maintenance and support of the system.

Temporary Disability Insurance

Decreases the rate of worker contributions from 1.45 to 1.30 times the disbursements from the Disability Fund during the preceding calendar year, effective July 1, 2019.

Increases wage replacement benefits from six weeks to eight weeks for workers who take time off to care for a seriously ill family member or to bond with a minor child within one year of birth, foster care placement, or adoption, under the Family Temporary Disability program.

**COLORADO**

7 CCR 1101-2

ADOPTED: February 22, 2019  
EFFECTIVE: April 15, 2019Appeals

Amends rules for appeal hearings by removing references to appearing in person. Provides that parties and witnesses to an appeal hearing shall ordinarily participate by telephone.

**DELAWARE**HB 148  
Chapter 81ENACTED: June 30, 2019  
EFFECTIVE: June 30, 2019Administration

Makes technical changes regarding delivery of notifications and appeals procedures.

**DELAWARE**

HB 149  
Chapter 82

ENACTED: June 30, 2019  
EFFECTIVE: August 29, 2019

Overpayments

Amends the repayment and penalty sections that pertain to overpayment of benefits, including that the Department may not collect interest on a nonfraud overpayment.

Adds provision that disqualifies individuals that have outstanding overpayment debts due to fraud until the amount has been paid in full, including penalty and interest amounts.

Adds that Department may offset the principal of overpayment debts with subsequently awarded benefits, first towards the principal of any fraud overpayment debts, and then to the principal of any nonfraud overpayment debts.

**DELAWARE**

HB 198  
Chapter 80

ENACTED: June 30, 2019  
EFFECTIVE: June 30, 2019

Monetary Entitlement

Increases the maximum WBA from \$330 to \$400, effective for benefit years beginning on or after June 30, 2019.

**DELAWARE**

SB 127  
Chapter 128

ENACTED: July 17, 2019  
EFFECTIVE: July 17, 2019

Financing

Changes the penalty for an employer that neglects or refuses to file a required report.

**DELAWARE**

SB 128  
Chapter 129

ENACTED: July 17, 2019  
EFFECTIVE: July 17, 2019

Overpayments

Expands the collection procedures available to collect unpaid unemployment insurance tax assessments from employers. These procedures include obtaining warrants for the levy and sale of property; extending liens; garnishment of wages, bank accounts, and other property.

Provides for denying or suspending professional licenses for persons owing an overpayment of benefits or unemployment compensation tax assessments.

**DISTRICT OF COLUMBIA**

CR 572 and 573  
CDC 51-107

ENACTED: December 3, 2019  
EFFECTIVE: January 1, 2020

Monetary Entitlement

Increases the maximum WBA from \$438 to \$444, effective for benefit years beginning on or after January 1, 2020.

**FLORIDA**

FAC 73B-20

ADOPTED: July 16, 2019  
EFFECTIVE: August 5, 2019

Appeals

Addresses new forms for filing notices of appeal and changes specific information required in an appeal request. Updates references for timeliness of filing based on distribution method for determination and method of appeal submission.

Amends rules for appeal hearings by scheduling telephone conferences unless exception for in-person hearing is granted.

Provides that a referee may reserve ruling on the issue of timeliness and proceed with the merits portion of the hearing when the late-filing party has made an initial showing that the appeal should be deemed timely.

Defines how to request a continuance.

Requires any party to a hearing to call at least 24 hours before the scheduled hearing to confirm attendance and provide a phone number for the hearing.

Defines how corrections are made after a decision has been distributed.

**FLORIDA**HB 563  
Chapter 2019-80ENACTED: June 7, 2019  
EFFECTIVE: July 1, 2019Financing

Provides that an employer will not be charged for benefits paid to an individual who separated from work as a direct result of domestic violence.

Nonmonetary Eligibility

Provides that an individual is not disqualified for voluntarily leaving work if he or she proves that the reason for leaving work is a direct result of circumstances related to domestic violence. Provides that an individual with an accepted voluntary leaving separation due to domestic violence will be held ineligible for any week in which he or she no longer meets the criteria or refuses a reasonable accommodation offered in good faith by the employer.

**GEORGIA**HB 373  
Act No. 185ENACTED: May 6, 2019  
EFFECTIVE: May 6, 2019Administration

Authorizes the Commissioner of Labor to require a criminal background check on any individual employed or making application for employment to the Department of Labor who will have direct access to federal tax return information as part of the individual's regular job duties.

Monetary Entitlement

For claims filed on or after July 1, 2019:

- changes the beginning of a benefit year to the Sunday the claim is filed or the Sunday prior to the day the claim is filed, rather than the day the claim is filed; and
- increases the minimum weekly benefit amount from \$44 to \$55 and the maximum weekly benefit amount from \$330 to \$365.

Overpayments

For overpayments resulting from fraud that are established on or after July 1, 2019, the individual is ineligible for any unpaid benefits during the quarter in which the finding is made and for the next four calendar quarters.

**IDAHO**

IDAPA 09.01.30

ADOPTED: February 8, 2019

EFFECTIVE: March 6, 2019

Nonmonetary Eligibility

Creates a temporary rule that allows claimants to attend training out of the area under specific circumstances, pending final rule and statutory change for 2020 Legislative Session.

**IDAHO**

IDAPA 09.01.01, .02, & .05

ADOPTED: June 19, 2019

EFFECTIVE: June 30, 2019

Administration

Edits office contact information and methods throughout.

Adds references to legal authority for rule making, declaratory rulings, determinations, and appeals. Added sections to reference administrative appeals, public records compliance, and payments owed to the agency.

Adds the option for claimants to file eligibility reports over the telephone.

Edits definitions of “Public Official”, “Elected Official”, and “Agent” in the regulations that handle the disclosure of Employment Security Information.

Edits the provision that pertains to written agreements to release information to the public.

Edits the provisions that pertain to proper handling of confidential wage information by recipients.

Appeals

Changes the code citation for administrative appeals from 09.01.06 to 09.01.01, throughout.

Consolidates various appeals provisions into a new stand-alone appeals section, including role of appeals examiner, the conduct of a hearing, communication with appeals staff, and the review of appeals by the Industrial Commission.

## Nonmonetary Eligibility

Edits the definition of “Illness Provision”, removes refusal of suitable work due to illness criteria and formula.

Removes the defined terms “Alternate Permanent Work” and “Prospects for Work”.

Edits the term “Reestablishing Eligibility After a Determination of Ineligibility” to remove language about the number of weeks needed in covered employment to reestablish eligibility.

Adds a definition for “Quit Due to Harassment” to the list of acceptable quit provisions. This new definition encompasses sexual harassment.

Removes section on voluntary leaving due to sexual harassment.

Adds that a claimant must provide a license, or be capable of obtaining a license or permit, if required by law for performance of the work.

Increases the training waiver from one year to two years for claimants enrolled in training under the Trade Adjustment Assistance program.

**ILLINOIS**

56 IAC 2720

ADOPTED: February 1, 2019

EFFECTIVE: January 15, 2019

## Administration

Makes technical changes to the rule to reflect telephonic and internet claims filing and employer protests related to claims.

Provides that the “last known address” for an individual is the address provided on the application unless the individual informs the Department through specified methods.

Requires Social Security Numbers for each of the claimant’s dependent children when filing a claim.

**ILLINOIS**

56 IAC 2725

ADOPTED: February 1, 2019

EFFECTIVE: January 15, 2019

Administration

Adds provisions regarding employer's last known address, including updating the last known address based on information provided by the United States Postal Service. Provides parameters for posting electronic notices using the online tax system. Allows employers to update their notification preferences address through electronic means.

Allows for electronic signature of employer submissions to the agency.

Appeals

Provides the employer 30 days to file any additional information regarding an application for rate determination, appeal, protest, claim adjustment or refund, or claim objection, as long as the initial application was filed timely.

Financing

Provides instructions for non-profit organizations and government entities to elect or to terminate its election for making payments in lieu of contributions to the trust fund.

**ILLINOIS**

56 IAC 2732

ADOPTED: February 1, 2019

EFFECTIVE: January 15, 2019

Administration

Provides that a transfer of contributions involving employee leasing companies can be submitted online through the state's tax system.

**ILLINOIS**

56 IAC 2760

ADOPTED: February 1, 2019

EFFECTIVE: January 15, 2019

Administration

Provides that the Employer's Contribution and Wage Report form for employers not subject to the mandatory electronic reporting requirement will be made available online.

Provides that employers seeking to correct quarterly wage record information previously submitted can do so via mail or online, however, monthly wage report corrections may not be made by mail.

Provides that employers that mail in contributions must include a Payment Voucher, which is also available online, with their contribution.

**ILLINOIS**

56 IAC 2765

ADOPTED: February 1, 2019  
EFFECTIVE: January 15, 2019Financing

Provides for transferring contributions when wages are erroneously assigned to an employee leasing company's account instead of to the client account, and the client is unable to obtain the assistance of the employee leasing company to have the contributions moved.

Provides additional examples for requests to waive interest accrued upon unpaid contributions. Amends parameters under which reporting penalties may be waived.

Adds a new formula for calculating experience rating in the event of covered employee transfers.

**ILLINOIS**

56 IAC 2790

ADOPTED: February 1, 2019  
EFFECTIVE: January 15, 2019Financing

Increases disregard for employer total amounts payable from \$1 to \$2, including contributions, payments in lieu of contributions, and interest or penalties.

Requires, with specific exceptions, that employers are responsible for any fees associated with the recording of a lien.

**ILLINOIS**

56 IAC 2830

ADOPTED: February 1, 2019  
EFFECTIVE: January 15, 2019Administration

Repeals references to the issuance of benefit checks and instead provides for debit cards or direct deposit to be used in processing payment of unemployment insurance benefits.

**ILLINOIS**

77 IAC 955.290

ADOPTED: March 15, 2019  
EFFECTIVE: March 1, 2019Financing

Provides that health care employers are not charged for unemployment insurances benefits paid to claimants that were separated from employment due to an offense discovered in a criminal background check or due to a violation of employer's state mandated drug policy.

**ILLINOIS**

56 IAC 2712

ADOPTED: May 31, 2019

EFFECTIVE: May 14, 2019

Appeals

Clarifies that all claimants are eligible for legal services, not just those whose claims were denied.

**ILLINOIS**

56 IAC 2714

ADOPTED: May 31, 2019

EFFECTIVE: May 14, 2019

Coverage

Updates references to the form used when an employer localizes coverage in Illinois.

**ILLINOIS**

56 IAC 2720

ADOPTED: May 31, 2019

EFFECTIVE: May 14, 2019

Administration

Adds definitions for the following terms: “Call Center”, “CMS” (Central Management System), “Department”, and “Internet Filer”.

Adds the option for a party to receive notices, decisions, or orders electronically.

Repeals outdated references to payments made under the Trade Adjustment Assistance and Alternative Trade Adjustment Assistance programs.

Limits filing, registering, and reporting by mail only to individuals who have no access to a telephone or the internet, among other parameters.

Appeals

Provides that documents must be provided by mail or facsimile to a referee and any opponents in a hearing. Describes purpose of including agency email address on hearing notice and provides that any documents emailed to a referee will not be considered.

Clarifies the rules of evidence through examples.

Provides requirements for inspecting or requesting a transcript or copy of the file of a hearing.

Nonmonetary Eligibility

Adds that a claimant shall furnish work search records when the Department conducts a random work search audit of the claimant’s claim.

**ILLINOIS**

56 IAC 2725

ADOPTED: May 31, 2019

EFFECTIVE: May 14, 2019

Appeals

Makes technical changes to the rule.

Excludes the date a ruling or order is mailed or delivered from the computation time for taking action related to an appeal.



**ILLINOIS**

56 IAC 2835

ADOPTED: May 31, 2019

EFFECTIVE: May 14, 2019

Overpayments

Provides that a request for a waiver of recoupment must be made in person, online, or through the state's Teleserve system. Previously waiver requests must have been made in person.

**ILLINOIS**

56 IAC 2840

ADOPTED: May 31, 2019

EFFECTIVE: May 14, 2019

Nonmonetary Eligibility

Makes non-substantive changes to the language defining what constitutes employee misconduct.

**ILLINOIS**

56 IAC 2865

ADOPTED: May 31, 2019

EFFECTIVE: May 14, 2019

Administration

Makes minor language changes to sections that cover claimant eligibility for benefits.

**ILLINOIS**

56 IAC 2905

ADOPTED: May 31, 2019

EFFECTIVE: May 14, 2019

Nonmonetary Eligibility

Makes technical changes to eligibility provisions related to aliens.

**ILLINOIS**

56 IAC 2915

ADOPTED: May 31, 2019

EFFECTIVE: May 14, 2019

Administration

Makes minor technical changes, and citation changes, to the between and within terms portion of Illinois regulations.

**ILLINOIS**

56 IAC 2720

ADOPTED: January 4, 2019  
EFFECTIVE: January 1, 2019

Appeals

Provides that documents must be provided by mail or facsimile to a referee and any opponents in a hearing.

Further provides that any documents emailed to a referee will not be considered.

Provides that the email address included on a hearing notice is only to request an in-person hearing, provide contact information, request a continuance, or request a reopening.

Provides that emails should use claimant identification number or hearing docket number.

Provides that emails should not use Social Security Numbers.

Provides that an email request for continuance received after the hearing has concluded will be treated as a request for reopening.

**ILLINOIS**

56 IAC 2725

ADOPTED: May 31, 2019  
EFFECTIVE: May 14, 2019

Appeals

Makes technical changes to the rule.

Clarifies that parties are to appear for benefit hearings by phone, unless a party has elected otherwise.

Excludes the date a ruling or order is mailed or delivered from the computation time for taking action related to an appeal.

**ILLINOIS**

56 IAC 2730

ADOPTED: May 31, 2019  
EFFECTIVE: May 14, 2019

Financing

Amends the rule for determining whom the employer for reporting sick pay wages is when administered by a third party.

Clarifies what constitutes sick pay for wage reporting requirements.

**ILLINOIS**                      56 IAC 2732                      ADOPTED: May 31, 2019  
EFFECTIVE: May 14, 2019

Administration

Removes obsolete references.

**ILLINOIS**                      56 IAC 2760                      ADOPTED: May 31, 2019  
EFFECTIVE: May 14, 2019

Administration

Updates language on records retention to allow for modern forms of record keeping, along with minor language changes.

**ILLINOIS**                      56 IAC 2765                      ADOPTED: May 31, 2019  
EFFECTIVE: May 14, 2019

Administration

Removes obsolete references.

Financing

Adds a waiver of penalty for the untimely filing of wage records by an employer when it is the employer's first late report in 20 calendar quarters.

**ILLINOIS**                      56 IAC 2770                      ADOPTED: May 31, 2019  
EFFECTIVE: May 14, 2019

Financing

Removes the publication of the contribution rate determination chart based on North American Industry Classification System (NAICS) from regulation.

**ILLINOIS**                      56 IAC 2835                      ADOPTED: May 31, 2019  
EFFECTIVE: May 14, 2019

Overpayments

Adds option to request for a waiver of recoupment online or through the state's Teleserve system.

**ILLINOIS**                      56 IAC 2840                      ADOPTED: May 31, 2019  
EFFECTIVE: May 14, 2019

Administration

Removes obsolete references.

**ILLINOIS**                      56 IAC 2865                      ADOPTED: May 31, 2019  
EFFECTIVE: May 14, 2019

Administration

Makes minor language changes to sections that cover claimant eligibility for benefits.

**ILLINOIS**                      56 IAC 2905                      ADOPTED: May 31, 2019  
EFFECTIVE: May 14, 2019

Administration

Removes obsolete references.

**ILLINOIS**                      56 IAC 2915                      ADOPTED: May 31, 2019  
EFFECTIVE: May 14, 2019

Administration

Removes obsolete references.

**ILLINOIS**                      S 1899                      ENACTED: August 16, 2019  
Chapter 423                      EFFECTIVE: Varied

Administration

Provides that the Illinois Department of Labor may attend or promote hiring events where attendees must pay an entry fee, provided that the Department does not receive any portion of said fees.

EFFECTIVE: August 16, 2019

Financing

Increases the adjusted state experience factor from 21 percent to 22 percent beginning January 1, 2022.

Creates a lien registry effective January 1, 2020 consisting of debts from an employer or individual against whom there is an unpaid determination and assessment collectible by the director.

Monetary Entitlement

Increases the maximum WBA for a claimant with a non-working spouse from 49.3 percent to 49.6 percent of the state average weekly wage, effective for benefit years beginning on or after January 1, 2022.

Increases the maximum WBA for a claimant with a dependent child or children from 40.3 percent to 40.6 percent of the state average weekly wage plus the dependent child allowance rate, effective for benefit years beginning on or after January 1, 2022.

**INDIANA**

646 IAC 5

ADOPTED: March 27, 2019

EFFECTIVE: March 30, 2019

Administration

Enhances quarterly wage reports to include whether the employee is considered full-time or part-time, designated as a seasonal worker, was employed during a specific day of the month, and the employee's occupation.

Provides that employer notifications will be through electronic means unless an employer elects to receive notices by mail. Requires an employer provide current, accurate contact information and to notify the department within 15 days of a change of mailing or e-mail address.

Electronic payments may be required by the department.

Monetary Entitlement

Provides that late filed claims can be accepted if the individual experienced a verified medical emergency or was unable to file a claim due to an administrative error by the department.

### Nonmonetary Eligibility

Provides that an individual who performed some volitional act or exercises some control over the circumstances resulting from discharge from employment may be a breach of duty and result in disqualification from benefits.

Requires an individual to respond completely to all inquiries from the department to be eligible for benefits.

### Appeals

Allows for the notice of hearing to be sent to a claimant's last known address or self-service system. Allows a request to subpoena a witness in writing or by phone.

Requires an accountant representing an employer before an administrative law judge to be in good standing with the Indiana board of accountancy.

Allows that an attorney admitted to the bar in another state who has been granted temporary admission to the state bar may represent a party before an administrative law judge.

Changes the number of days for a party to provide exhibits from four days to three days prior to the hearing date.

**INDIANA**

HB 1062  
Chapter 122-2019

ENACTED: April 29, 2019  
EFFECTIVE: July 1, 2019

### Administration

Amends the unemployment insurance code to reflect the use of technology.

Provides that disclosure of confidential information may be made to an individual or employer upon proper identification, through informed consent, to a public official, an agent or contractor of a public official, or to the Bureau of Labor Statistics. Requires that the requesting party pay the cost of providing the information.

### Financing

Provides that recalculated employer contribution rates are effective on the first day of the calendar year during which the transfer occurred if the transfer takes place before April 1; for transfers that occur after March 31, the rates are effective the subsequent year.

Provides that up to \$10,000,000 from the state's employment and training fund, which includes interest on delinquent contributions and penalties collected, may be used for prevention, detection, and recovery of delinquent contributions, penalties, and improper benefit payments.

Overpayments

Applies existing time frame limitation to notify of a possible overpayment within four years of the discovery to also cover overpayments due to false statements, failure to disclose a material fact, or failure to report wages. Requires civil action to commence no later than ten years following the date a determination becomes final, including the exhaustion of appeals.

**INDIANA**

SB 130  
Pub. Law 63-2019

ENACTED: April 24, 2019  
EFFECTIVE: July 1, 2019

Coverage

Provides that a driver providing drive-away operations is an independent contractor, not an employee, when the vehicle being driven is the commodity being delivered and the driver has a written agreement that specifies that the driver is not an employee. If the employer is a state or local government entity, a federally recognized Indian tribe or a nonprofit organization, this provision is not applicable.

**INDIANA**

SB 231  
Pub. Law 7-2019

ENACTED: April 3, 2019  
EFFECTIVE: July 1, 2019

Coverage

Provides that the definition of an employee does not include a person engaged in services as a direct seller, provided the individual sells or solicits the sale of consumer products or services in any place other than a retail establishment; is paid directly based on sales or output rather than the number of hours worked; and has a written contract that provides that the individual is not an employee.

**IOWA**

IAC 871-23; -24; -25

ADOPTED: November 15, 2019

EFFECTIVE: January 22, 2020

Nonmonetary Eligibility

Provides that claimants shall report the first five workdays of applicable vacation pay, rather than first week. Vacation pay provided to claimants is applicable the first workday after separation.

Allows that a weekly claim may be reduced for a pension only if the employer made 100 percent of the contributions to the pension.

Overpayments

Broadens re-payment options for overpayments beyond cash or benefit offsets. Removes provision to use benefit offsets when recouping on fraudulent overpayment.

**IOWA**

IAC 871-24.3

ADOPTED: October 2, 2019

EFFECTIVE: November 27, 2019

Administration

Provides that a claim for benefits is not valid until the identity is verified and an individual's claim for benefits shall be locked until requested information is provided. Requires the individual to provide required documents, one of which must have a Social Security Number, to be eligible for benefits. The individual is eligible for benefits as of the Sunday of the week the identity is verified and all subsequent weeks provided there are no other outstanding issues.

**IOWA**

IAC 871-25

ADOPTED: October 16, 2019

EFFECTIVE: January 22, 2020

Overpayments

Amends documents sent to claimant to notify of overpayment and repayment requirements.

Adds credit card payment as one of the repayment options.

**KENTUCKY**

787 KAR 1:010

ADOPTED: February 1, 2019

EFFECTIVE: January 4, 2019

Administration

Establishes the application and reporting requirements for employer accounts.

**KENTUCKY**

103 KAR 16:090

ADOPTED: March 1, 2019  
EFFECTIVE: February 1, 2019

Financing

Explains the payroll apportionment factor applied by the state to payroll reporting of multi-state corporations.

**KENTUCKY**

HB 392  
Act No. 146

ENACTED: March 26, 2019  
EFFECTIVE: June 26, 2019

Administration

Places the Office of Unemployment Insurance and the Unemployment Insurance Commission within the Department of Workforce Investment. Changes all references to Division of Unemployment Insurance to Office of Unemployment Insurance.

**MAINE**

SB 292  
Chapter 125

ENACTED: May 16, 2019  
EFFECTIVE: September 19, 2019

Nonmonetary Eligibility

Provides that use of marijuana while on duty or when reporting to work constitutes misconduct except when the use of marijuana is permitted by state law.

**MARYLAND**

COMAR 09.32.01.05

ADOPTED: October 30, 2018  
EFFECTIVE: March 11, 2019

Financing

Defines terms of employment on a continuous part-time basis, under which an employer will not be charged for benefits.

**MASSACHUSETTS**

430 CMR 6.05

ADOPTED: April 5, 2019

EFFECTIVE: April 5, 2019

Overpayments

Provides that a request for a waiver is granted if the individual is not at fault and recovery is considered against equity and good conscience or would defeat the purpose of benefits. If the individual provides documentation showing current receipt of specified public benefits, eligibility for a waiver will be presumed.

Requires a notice to the claimant regarding the right to request a waiver when any overpayment determination is made. Provides that no collection efforts will be made until at least 15 days after the date the notice is mailed or delivered. If a waiver request has been made, recoupment activity shall cease until the waiver request is considered and denied.

**MASSACHUSETTS**

430 CMR 9.00

ADOPTED: September 20, 2019

EFFECTIVE: September 20, 2019

Nonmonetary Eligibility

Changes deadlines and updates definition of terms for claimants to receive up to 26 additional weeks of unemployment insurance benefits while in approved training.

Adds the defined terms, "Application Period," "Approvable Training," "Approved Training," "Declining Occupation," "HiSet (High School Equivalency Test) Program," and "Work Search Area."

Defines "Work Search Area" as "One or more economically integrated geographic units within reasonable traveling distance for job seeking and commuting."

**MASSACHUSETTS**

454 CMR 30.00

ADOPTED: April 19, 2019

EFFECTIVE: April 19, 2019

Financing

Creates a new rule for Professional Employer Organizations (PEOs) that provides definitions, establishes registration and application requirements, and requires an annual registration fee of \$500. Requires PEOs to report and pay all required contributions for client employers.

"Professional employer organization", or "PEO", shall include other terms such as "staff leasing company", "registered staff leasing company", "employee leasing company", "administrative employer" or other name.

**MICHIGAN**

ERO 2019-3

ENACTED: August 11, 2019

EFFECTIVE: August 11, 2019

Administration

Creates the Department of Labor and Economic Opportunity. Transfers the Unemployment Insurance Agency to the newly created department.

Appeals

Creates the Unemployment Insurance Appeals Commission and outlines the responsibilities of the commission. Changes statutory references from Michigan Employment Security Board of Review to the Appeals Commission.

Requires that the Unemployment Insurance Agency be a party to any judicial action involving an order or decision of the Appeals Commission or an administrative law judge.

**MICHIGAN**

ERO 2019-6

ENACTED: February 20, 2019

EFFECTIVE: April 22, 2019

Appeals

Creates the Michigan Office of Administrative Hearings and Rules (MOAHR), inside the Department of Licensing and Regulatory Affairs. The MOAHR handles first level Unemployment Insurance determination appeals.

**MICHIGAN**

HB 4336

ENACTED: December 20, 2019

Act No. 156

EFFECTIVE: December 20, 2019

Administration

Requires state agencies to allow access to confidential unemployment compensation information by the Auditor General for audit purposes and defines process for access.

Coverage

Defines covered employment based in Minnesota if during the calendar quarter:

- 50 percent or more of the employment performed, based on the hours worked, is in Minnesota;
- if the worker resides in Minnesota 50 percent or more of the calendar quarter and some of the work is performed in Minnesota;
- work performed outside the United States for an American employer whose principal place of business is located in Minnesota; or
- work is performed in navigable waters on a vessel that is controlled in Minnesota.

Provides that employment by a foreign college or university student working on a seasonal or temporary basis under the J-1 visa summer work travel program is not covered employment.

Adds service for an employer under the Federal Insurance Contributions Act, including those provided by an agent-driver or commission-driver delivering various services and service by certain traveling or city sales individuals, to the definition of employment.

Financing

Excludes employers assigned a maximum experience rating plus the applicable base tax rate from the reduction of future taxes provided when the trust fund balance is four percent or more above the average high cost multiple of 1.0. Provides that a successor employer must receive the unused portion of the predecessor's rate reduction equal to that portion of the experience rating history transferred.

Provides that interest is not assessed on the unpaid interest of past due amounts owed by an employer.

Provides that if the employer was relieved of charges because the individual quit for good cause or was discharged for misconduct and the employer later re-hires the individual, non-charging continues only until the individual is rehired.

Overpayments

In the case of an overpayment penalty determination, provides that interest is assessed at the rate of one percent per month or any part of a month; interest is not assessed on unpaid interest.

**MINNESOTA**

HB 90  
Chapter 60

ENACTED: May 22, 2019  
EFFECTIVE: August 1, 2019

Financing

Provides that an assisted living facility is not liable for unemployment benefits if an employee is terminated based on a confirmed conviction for disqualifying behavior found during the background check process.

**MISSISSIPPI**

SB 2133

ENACTED: April 3, 2019  
EFFECTIVE: April 3, 2019

Administration

Reenacts, through July 1, 2023, sections of the Mississippi unemployment compensation law due for repeal on July 1, 2019.

Transfers the powers and responsibilities of the Mississippi Employment Security Commission to the Mississippi Department of Employment Security.

Extensions and Special Programs

The Self-Employment Assistance (SEA) program, slated for repeal on July 1, 2019, was not reenacted.

**MISSOURI**

S 90  
RSMo 288

ENACTED: July 9, 2019  
EFFECTIVE: August 28, 2019

Administrative

Provides that any employing unit with at least 50 employees are required to report quarterly wage information electronically in a format prescribed by the division. Allows for a good cause waiver.

Makes electronic transmission the standard method for communication between the division, employers, and claimants, unless an alternative method is requested. Makes the date of transmission the official date of notification.

Nonmonetary Eligibility

Defines the minimum number of required work search contacts as three, unless the deputy directs otherwise.

**MONTANA**

ARM 24.11

ADOPTED: December 11, 2018

EFFECTIVE: January 1, 2019

Administrative

Provides that employers with 20 or more employees are required to file quarterly wage reports electronically.

Coverage

Excludes service performed by any of the following from the definition of employment: a sole proprietor's spouse; a sole proprietor's dependent; or a dependent who is claimed as an exemption by a person who is in partnership with their spouse.

Provides that service performed by a dependent of one partner in a partnership who cannot be claimed as a dependent by all partners in a partnership is included in the definition of employment.

Financing

Provides that in the case of partial transfer of the trade or business, the portion of the experience-rating record transferred from the predecessor employer to the successor must be determined with the ratio of the portion of the payroll transferred to the successor to the total payroll that the predecessor employer would have had during that same period, had the transfer not occurred.

Allows for a tax payment to be made by cash, check, money order, automated clearing house (ACH) debit, or credit card.

**MONTANA**

HB 67  
Chapter 27

ENACTED: February 28, 2019

EFFECTIVE: February 28, 2019

Nonmonetary Eligibility

Increases the amount from six weeks to 180 days under which an individual is not disqualified for benefits if the individual leaves employment because of being ordered to military service for this period of time.

**MONTANA**

HB 658  
Chapter 415

ENACTED: May 9, 2019  
EFFECTIVE: July 1, 2019

Administration

Provides that the Department of Health and Human Services may conduct quarterly audits of participants under the state Health and Economic Livelihood Partnership Act program by requesting records to verify income and participation in employment or reemployment activities from the Montana Labor and Industry Department.

**MONTANA**

SB 74  
Chapter 287

ENACTED: May 3, 2019  
EFFECTIVE: May 3, 2019

Administration

Requires Department of Labor and Industry to conduct a criminal background check on any personnel who have direct access to Federal tax information as a result of the Department's participation in Federal offset programs.

**MONTANA**

SB 77  
Chapter 51

ENACTED: March 7, 2019  
EFFECTIVE: March 7, 2019

Administration

Makes a technical correction by deleting a provision related to the amount of federal income tax withheld from unemployment compensation.

**MONTANA**

SB 305  
Chapter 240

ENACTED: May 1, 2019  
EFFECTIVE: May 1, 2019

Appeals

Provides that one of the three members of the unemployment insurance appeals board must be from the private business sector who owns or is employed by an entity with more than ten employees.

**NEBRASKA**

222 NAC Chapters 9-24

ADOPTED: April 16, 2019  
EFFECTIVE: April 10, 2019

Financing

Repeals the employer contribution rates for the years 1990 through 2005.

**NEBRASKA**

LB 359  
NRS 48-649

ENACTED: March 7, 2019  
EFFECTIVE: September 7, 2019

Financing

Makes changes to how the state's reserve ratio is calculated:

- Adds that contributions that are deposited annually should be factored into the reserve ratio calculation.
- Deletes the subtraction of outstanding obligations from the calculation of the reserve ratio.

Adds that the Commissioner may adjust to a lower scheduled yield factor if the reserve ratio is calculated at 1.00 or greater.

**NEBRASKA**

LB 428  
NRS 48-648

ENACTED: May 1, 2019  
EFFECTIVE: January 1, 2020

Financing

Changes taxable wage base for employers with the maximum experience factor rating from \$9,000 to \$24,000.

**NEBRASKA**

220 NAC Chapter 1

ADOPTED: April 16, 2019  
EFFECTIVE: April 10, 2019

Administration

Makes technical changes to the regulations pertaining to filing of quarterly combined tax and wage reports.

**NEBRASKA**

20 NAC Chapter 3, 10, 12, 15

ADOPTED: April 5, 2019  
EFFECTIVE: April 10, 2019

Administration

Repeals regulations that are obsolete or cited in state law.

**NEBRASKA**

223 NAC Chapter 1-5

ADOPTED: April 12, 2019  
EFFECTIVE: April 12, 2019

Appeals

Repeals regulations that are obsolete. Defers to the Model Rules adopted by the Attorney General for regulations and procedures governing declaratory orders for administrative tax hearings.

**NEBRASKA**                      225 NAC Chapter 1                      ADOPTED: April 5, 2019  
EFFECTIVE: April 10, 2019

Nonmonetary Eligibility

Remove reference to the 2011 implementation date related to the approval of benefits for individuals participating in training.

**NEBRASKA**                      220 NAC Chapter 1                      ADOPTED: April 16, 2019  
EFFECTIVE: April 10, 2019

Financing

Provides that an employer with a positive account balance who is eligible for experience rating and has no delinquent taxes is eligible to make an annual contribution payment, provided they report the hours worked by its employees on its quarter wage reports.

**NEVADA**                      NAC 612.270                      ADOPTED: December 17, 2019  
EFFECTIVE: January 1, 2020

Financing

Provides the contribution rate schedule for calendar year 2020.

**NEVADA**                      SB 493                      ENACTED: June 8, 2019  
NRS 607, 608, 612, 616                      EFFECTIVE: July 1, 2019

Coverage

Creates a “Misclassification Task Force” across state agencies to investigate employers that misclassify employees as independent contractors with the authority to investigate and impose penalties on employers that misclassify workers. Establishes rules for determining independent contractor status for workers using the ABC test.

**NEW HAMPSHIRE**                      Emp. 501.11, .12                      ADOPTED: September 12, 2019  
EFFECTIVE: August 22, 2019

Nonmonetary Eligibility

Adds to existing provision for claimants to report to employment services that an individual with a reasonable assurance of returning to work with their employer in fewer than four weeks is exempt from actively seeking work but must still attend a benefits orientation session. Identifies factors to be considered in determining whether there is a guarantee of employment.

**NEW HAMPSHIRE**

HB 4  
Ch346:185 and 393

ENACTED: September 26, 2019  
EFFECTIVE 1: January 1, 2020  
EFFECTIVE 2: September 26, 2019

Financing

Decreases the amount of employer contributions to the administrative fund from 2/10 of one percent to 2/5 of one percent of total contributions.

Changes the cap on employer contributions to the administrative fund from \$2,000,000 annually to \$6,000,000 annually.

Nonmonetary Eligibility

Provides for individual to limit availability to part-time work if the claim is based on wages earned in part-time work.

Provides exemption from work search requirement if the individual can provide evidence of a definite date to return to work within 11 weeks of their initial separation.

**NEW HAMPSHIRE**

SB 16  
Chapter 2019-18

ENACTED: May 10, 2019  
EFFECTIVE: May 10, 2019

Administration

Extends the effective date for participation in the Wage Record Interchange System (WRIS) or other similar system to 2020 for purposes defined in the Workforce Innovation and Opportunity Act (WIOA) or the Wagner-Peyser Act.

**NEW HAMPSHIRE**

SB 62  
Chapter 2019-227

ENACTED: July 12, 2019  
EFFECTIVE: July 12, 2019

Nonmonetary Eligibility

Provides exemption from work search requirement if the individual can provide evidence of a definite date to return to work within nine weeks of their initial separation.

\* NOTE: NH SB 62 was later superseded by HB 4 noted above.

**NEW JERSEY**

NJAC 12:15

ADOPTED: November 19, 2019  
EFFECTIVE: December 16, 2019

Financing

Increases the taxable wage base from the first \$34,400 to the first \$35,300 of wages earned by an employee.

Decreases the contribution rate for governmental entities and instrumentalities electing to pay contributions from seven-tenths to six-tenths.

Monetary Entitlement

Increases the maximum WBA from \$667 to \$713, effective for benefit years beginning on or after January 1, 2020.

Increases the amount an individual must earn for 20 base weeks to establish a claim from \$172 to \$200 per week for calendar year 2020.

Increases the alternative earnings amount for establishing eligibility from \$8,600 to \$10,000, effective for benefit years beginning on or after January 1, 2020.

**NEW JERSEY**

SB 844  
Chapter 2019-126

ENACTED: June 17, 2019  
EFFECTIVE: June 17, 2020

Temporary Disability Insurance

Provides that an individual recovering from a disability who is able to return to work on a reduced basis and who is permitted by the employer to return to work on a reduced basis may be eligible for a partial benefit amount.

If the employer does not allow the individual to return to work on a reduced basis, the individual shall remain eligible for benefits.

**NEW JERSEY**

SB 1887  
Chapter 2019-252

ENACTED: August 23, 2019  
EFFECTIVE: August 23, 2020

Administrative

Makes changes to the funding amount and expiration date for a pilot program designed to assist the unemployed and the underemployed with skills gaps and to obtain industry-valued credentials.

Adds the term “Soft Skills” to the program.

**NEW JERSEY**

SB 2518  
Chapter 2019-7

ENACTED: January 31, 2019  
EFFECTIVE: January 31, 2019

Financing

Provides that an out-of-state business performing work on critical infrastructure related to a disaster or an emergency is not required to register, file or report New Jersey tax, employer withholding or unemployment insurance taxes if the employer is licensed in the home state.

**NEW JERSEY**

SB 2557  
Chapter 2019-158

ENACTED: July 9, 2019  
EFFECTIVE: July 9, 2020

Administrative

Allows the New Jersey Commissioner of Labor and Workforce Development to issue a stop work order to cease all business operations at every site when violations, including failure to comply with contributions, are found to have occurred.

Allows the commissioner to assess a civil penalty of \$5,000 per day against an employer for each day that it conducts business operation that are in violation of the stop-work order.

**NEW MEXICO**

NMAC 11.3.300

ADOPTED: January 29, 2019  
EFFECTIVE: January 9, 2019

Nonmonetary Eligibility

Permits the New Mexico Department of Workforce Solutions to waive work search requirements for claimants in temporary lay-off status due to a government furlough or shutdown.

**NEW MEXICO**

NMAC 11.3.100, .300, .400 ADOPTED: October 29, 2019  
EFFECTIVE: October 29, 2019

Administration

Changes the name of the unemployment compensation agency from Employment Security Division to Unemployment Insurance Division.

Clarifies electronic communication with the Division.

Requires electronic filing for quarterly wage reports and contributions by employers and third party administrators.

Provides that the department will send a notice and a fact-finding questionnaire to all base period employers when a claim is filed. Employers must respond through their online account.

A timely response to a request for additional information on a claim is changed from 10 days to two business days.

The employer must establish good cause for failing to respond timely before an appeal may be heard.

Provides that when an initial claim determination is reversed, the employer may be liable for benefit charges incurred to the date of disqualification if the employer or employer's agent has demonstrated a pattern of failing to respond timely or adequately. Defines a pattern as a failure to respond timely or adequately to five claims, or more at the secretary's discretion, within a calendar year. An inadequate response is defined as a failure to provide relevant information that was reasonably available at the time of the request.

Coverage

Requires employers to keep records, such as a general ledger or check register, to verify that all workers providing services to the employer are properly classified as employees or independent contractors. Requires random electronic audits of employer records to ensure proper employee classification.

Requires employers to provide accurate work records at any reasonable time and as often as necessary for effective administration of the unemployment compensation law.

Provides that the department determines whether an individual is considered an independent contractor using the ABC test.

## Financing

Defines “payment in lieu of contributions”.

Requires the successor employer to assume liability for the outstanding balance due for any contributions, interest and penalties at the time of transfer of ownership.

Provides that employer underpayments for outstanding debt shall be applied from the oldest to the newest debt.

## Nonmonetary Eligibility

Amends work search provisions relating to unions by requiring the individual to be a member in good standing and that the hiring hall or referral hall is actively seeking to place members in employment.

Requires the individual to provide sufficient information to verify work search efforts. A specific job number or requisition number for the job application will be considered sufficient to verify the contact.

Provides that if an individual does not participate in required reemployment services, benefits shall be denied beginning the week of non-participation.

**NEW MEXICO**

NMAC 11.3.500

ADOPTED: October 29, 2019

EFFECTIVE: October 29, 2019

## Appeals

Requires the hearing notice to include a statement notifying the parties of their responsibilities and the requirements to participate in a hearing.

Provides that the Department of Workforce Solutions may file a motion for compliance in district court if a party fails to respond to a subpoena.

Removes the provision that allowed payment of witness fees and mileage to an individual based on the individual’s situation.

Provides that a copy of the typed transcript of an appeal hearing may be made available without charge to parties of an appeal pending before district court.





**OHIO**

OAC 4141-21-01

ADOPTED: May 9, 2019  
EFFECTIVE: May 19, 2019

Administration

Requires that the employer's state unemployment tax account number be provided on an application for reconsideration of the employer's liability determination.

**OKLAHOMA**

OAC 240:1-3-4

ADOPTED: May 28, 2019  
EFFECTIVE: July 25, 2019

Administration

Amends timelines for responding to a request for documents.

**OKLAHOMA**

OAC 240:10

ADOPTED: May 28, 2019  
EFFECTIVE: July 25, 2019

Administration

Makes the use of a debit card, provided by a state-selected vendor, as the primary and default delivery method of UI benefits.

Allows claimants the option to receive benefits through direct deposit, claimant must contact the state-selected vendor to receive benefits through direct deposit.

Requires employers to submit contributions and wage reports electronically through the Employer Portal, or on a paper form if an exception has been granted.

Appeals

Includes hearings concerning a protest made by a debtor through the procedures of the Treasury Offset Program under the jurisdiction of the Assessment Board.

Requires delivery of all documents and electronically recorded or stored evidence to the Assessment Board or the Appeal Tribunal at least five days before the date of the hearing.

## Financing

Defines “substantially common control”, “substantially common management”, and “substantially common ownership” when evaluating the relationship with a predecessor account.

Provides that if a payment is received to repay indebtedness in a delinquent taxpayer account, and there is an amount owing for the OESC Technology Reinvestment Apportionment, the payment will first be applied to the amount owing for the OESC Technology Reinvestment Apportionment. The remainder of the payment shall be applied pursuant to the rule relating to regular tax indebtedness.

Adds trustees to the list of parties required to include a Social Security Number on the application for an unemployment insurance tax account number.

## Nonmonetary Eligibility

Removes the definition of profiling.

Defines Reemployment Services and Eligibility Assessment (RESEA), and the RESEA Selection process.

Amends definition of temporary layoff by providing that a temporary layoff must be requested in writing by the employer and provide a specific recall date within eight weeks of the cessation of work or employment. An extension of the recall date may be requested and shall not exceed four additional weeks.

Defines a Federal temporary layoff to mean a short-term cessation of work or employment involving a Federal agency or contractor in which employees refrain from seeking employment elsewhere as part of their terms of employment. No recall date is required and provisions on reimbursed pay or back pay apply.

Requires two work search contacts each week and provides that the number of contacts may be increased based on the circumstances of each individual. Eliminates the following as acceptable work search activities: presentation in a manner to encourage employment consideration, search of print media, online media, and social networks for employers seeking workers, and self-assessment of skills and abilities.

**OKLAHOMA**

HB 1095  
Chapter 342

ENACTED: May 13, 2019  
EFFECTIVE: January 1, 2020

Coverage

Provides that services performed by an individual for wages shall be deemed to be employment if the services are performed by the individual in an employer-employee relationship as determined by the 20-factor test used by the Internal Revenue Service (IRS).

Provides that the Oklahoma Employee Security Commission shall have the exclusive authority to determine whether an individual is an independent contractor or an employee for purposes of the Employment Security Act.

**OKLAHOMA**

SB 335  
Chapter 251

ENACTED: April 30, 2019  
EFFECTIVE: April 30, 2019

Administration

Changes reference to Wage Record Interchange System (WRIS) to State Wage Interchange System (SWIS).

Appeals

Provides that all time periods provided for reviews, redeterminations, and appeals may be waived for good cause shown up to one year after the date of the determination or redetermination.

Increases from 14 days to 20 days the time limit for employer to file a written objection to a determination of contribution rate.

Increases from 14 days to 20 days the time limit for employer to file a written protest to determination as to whether the employer is entitled to relief of benefit charges.

Increases from 14 days to 20 days the time limit for employer to appeal a redetermination of benefits.

Nonmonetary Eligibility

Replaces reference to profiling system with Reemployment Services and Eligibility Assessment (RESEA) selection.

Expands reemployment services to include all ex-military service claimants.

**OKLAHOMA**

SB 988  
Chapter 179

ENACTED: April 25, 2019  
EFFECTIVE: April 25, 2019

Nonmonetary Eligibility

Repeals the provisions related to eligibility between terms for employees of educational service contractors.

**OREGON**

OAR 471-010-0125

ADOPTED: May 3, 2019  
EFFECTIVE: May 3, 2019

Administration

Exempts the Internal Revenue Service (IRS) from the audit requirements related to agreements to share confidential information.

**OREGON**

OAR 471-041

ADOPTED: May 13, 2019  
EFFECTIVE: May 13, 2019

Appeals

Makes technical changes to the review process related to electronic filing.

Provides that an application for review by a claimant or employer that failed to appear at a hearing shall be treated as a request to reopen the hearing. If the request for hearing was not dismissed, then it will be treated as an application for review under certain circumstances.

Defines the filing date based on method of submission.

Provides that a late application for review is dismissed unless the application provides a written statement of the circumstances that prevented a timely filing.

Provides circumstances under which an extension of time to submit a written argument is permitted. Includes definition of good cause and requires notification to all parties when an extension request is allowed.

Requires notification to the parties in a decision if additional evidence is admitted to the hearing record.

**OREGON**

OAR 471-030-0036

ADOPTED: December 6, 2019

EFFECTIVE: December 8, 2019

Nonmonetary Eligibility

Removes the requirement that claimants who reside in Canada must be authorized to work in the United States to qualify for benefits.

**OREGON**

OAR 471-030-0235

ADOPTED: December 6, 2019

EFFECTIVE: December 8, 2019

Extensions and Special Programs

Codifies existing policies and procedures related to the Self-Employment Assistance (SEA) program.

**OREGON**

OAR 471-030-0035

ADOPTED: December 6, 2019

EFFECTIVE: December 8, 2019

Administration

Adds that job listings provided by validated employers may be provided immediately to customers. This includes, but is not limited to, unemployment insurance claimants.

**OREGON**

OAR 471-030-0058

ADOPTED: December 6, 2019

EFFECTIVE: December 8, 2019

Overpayments

Allows for “federal non-tax payments” to be seized to satisfy unemployment insurance compensation debts.

**OREGON**

HB 2660  
Chapter 407

ENACTED: June 17, 2019  
EFFECTIVE: January 1, 2020

Nonmonetary Eligibility

Provides that provisions related to eligibility for benefits between successive academic terms do not apply to individuals providing services in the operation or maintenance of facilities and janitorial services for an educational institution, effective for weeks beginning on or after January 1, 2020.

Requires educational service, state and political subdivision employers, to provide information on unemployment insurance eligibility provided by the Employment Department. Prohibits the employer from informing employees that they are ineligible for benefits unless the Department has made that determination.

Any provision amended by this Act that is determined not to conform to Federal law shall no longer be in effect.

**OREGON**

HB 3120  
Chapter 168

ENACTED: May 24, 2019  
EFFECTIVE: May 24, 2019

Nonmonetary Eligibility

Provides that an individual is not disqualified for voluntarily leaving work without good cause, failure to apply for suitable work, or accept suitable work if the individual, or a member of the individual's family, is the victim of intimidation or could become the victim of intimidation.

**PENNSYLVANIA**

4PA: 601-607

ADOPTED: March 15, 2019  
EFFECTIVE: March 28, 2019

Administration

Adopts temporary regulations because of the transfer of merit system enforcement from State Civil Service to the Office of Administration. Temporary regulations expire March 16, 2020.

Temporary Disability Insurance

Requires three employer contacts per week for individuals receiving extended benefits and specifies the information for the work search record, and requires that the record be kept for one after the claim.

Increases the number of weeks during a temporary layoff for a work search exemption from eight weeks to 12 weeks

Extensions and Special Programs

Removes prohibition to making modifications on a Work Share (STC) plan within the first 30 days, instead subjecting modifications to the approval of the director.

Nonmonetary Eligibility

Requires that claimant includes a copy of the confirmation number or response from an employer if available, as part of the work search record.

Increases the number of weeks during a temporary layoff for a work search exemption from eight weeks to 12 weeks.

Provides that an individual who fails to report or provide requested information is denied benefits for the week of the failure and until the individual complies unless good cause is established.

**SOUTH CAROLINA**HB 4000  
Chapter 289ENACTED: June 25, 2019  
EFFECTIVE: July 1, 2019Administration

Requires Department of Employment and Workforce to provide and release to the public via its agency website a report of all aggregate amounts of taxes, fees, and payments that were charged, collected, and paid in the prior fiscal year.

Requires Department of Employment and Workforce to enter into data sharing agreements with eligible training providers for Workforce Innovation and Opportunity Act (WIOA) performance accountability purposes. Data sharing must meet Federal confidentiality requirements at 20 CFR Part 603.

Financing

Requires any interest assessment funds received by the Interest Assessment Fund to be transferred to the Unemployment Compensation Fund for the current fiscal year and upon final repayment of all Title XII advances from the Federal Unemployment Account received beginning in December 2008.

**SOUTH DAKOTA**

SDLRC 47:06

ADOPTED: October 29, 2019  
EFFECTIVE: October 29, 2019Administration

Replaces references to “unemployment compensation” with “reemployment assistance”. Replaces reference to “unemployment benefit check” with “benefit payment”.

**SOUTH DAKOTA**HB 1034  
Chapter 217ENACTED: March 20, 2019  
EFFECTIVE: January 1, 2020Financing

Effective calendar year 2020, adjusts the reserve ratio schedule range from 0.00 percent to 9.30 percent, the previous maximum value was 9.35 percent.

**SOUTH DAKOTA**

HB 1035  
Chapter 216

ENACTED: March 20, 2019  
EFFECTIVE: July 1, 2020

Administration

Changes the name of the Unemployment Insurance program to the Reemployment Assistance program and defines reemployment assistance as cash benefits payable to an individual with respect to the individual's unemployment.

**TENNESSEE**

HB 539  
Chapter 337

ENACTED: May 10, 2019  
EFFECTIVE: January 1, 2020

Coverage

Amends the definition of included service under employment to mean service performed by an individual for an employer if the services performed by the individual qualify as an employer-employee relationship with the employer based upon consideration of the Internal Revenue Service (IRS) 20-factor test.

Excludes from coverage services performed by an individual who provides services as a leased-operator or an owner-operator of a motor vehicle or vehicles under contract to a common carrier conducting an interstate business while engaged in interstate commerce, regardless of whether the common law relationship of master and servant exists.

States legislative intent that no elected official is eligible for benefits based upon service as an elected official.

**TENNESSEE**

SB 122  
Chapter 289

ENACTED: May 8, 2019  
EFFECTIVE: May 8, 2019

Administration

Extends the authority of the State Unemployment Compensation Advisory Council to June 30, 2023.

**TEXAS**

40 TAC 20.815.C.815.134

ADOPTED: April 9, 2019  
EFFECTIVE: April 29, 2019

Coverage

Defines “digital network”, “marketplace platform”, and “marketplace contractor”.

Provides for conditions under which a marketplace contractor shall be treated as an independent contractor rather than an employee.

Provides that this employment status analysis does not apply to required coverage and recognizes that when the marketplace platform is a state or local governmental entity, not-for-profit organization, or Indian tribe, the services must be covered.

**UTAH**

R994-403-109B

ADOPTED: February 1, 2019  
EFFECTIVE: March 31, 2019

Nonmonetary Eligibility

Provides that an individual who fails to participate in required reemployment services without good cause is ineligible for benefits beginning with the week in which the failure occurred and continuing until the week the individual participates in the required reemployment service.

**UTAH**

R994-403

ADOPTED: May 15, 2019  
EFFECTIVE: May 1, 2019

Administration

Eliminates telephone claims filing and provides that individuals may reopen a claim by completing the application to reopen at the Department’s website, or as otherwise instructed by the Department.

**UTAH**

R994-305-801

ADOPTED: May 15, 2019  
EFFECTIVE: July 1, 2019

Administration

Requires employers to submit wage reports on the Department’s website.

Administration

Provides that the Board may initiate rulemaking in response to a petition by five or more persons.

Requires an employer to obtain and confidentially maintain the Social Security Number of each worker performing services.

Requires employers to file required reports and pay amounts due electronically, unless the employer shows a hardship.

Financing

Prohibits a recomputation of an employer's experience rating if the amount of wages in a prior rate year changes due to an assessment of contributions or an administrative determination.

Provides that if an employer fails to comply with reporting requirements or fails to file a corrected or sufficient report within 30 days, the Commissioner will determine the amount of contribution due based on information available.

Allows for the Commissioner to approve, decline, or terminate an employer's election of reimbursement if doing so would be in the best interest of the trust fund.

Changes the penalties and debarment period for an employer for each misclassified employee:

- from \$100 to \$500 for an initial violation;
- from \$500 for a second penalty within three years of previous violation to \$1000 for a second penalty within six years of previous violation; and
- a third violation within ten years (previously three) will receive a \$5,000 penalty.

Monetary Entitlement

Provides that a claim may be withdrawn, unless a benefit has been paid, if the Commissioner determines that doing so is in the best interest of justice and due process.

Nonmonetary Eligibility

Requires an individual to reside and be physically located within the United States or Canada to receive benefits.

Defines circumstances under which training programs may be approved for an individual who does not meet certain eligibility conditions.

**U.S. VIRGIN ISLANDS**    BB 90  
Chapter 8209

ENACTED: October 6, 2019  
EFFECTIVE: October 6, 2019

Coverage

Updates the definition of an employer.

Financing

Establishes a new experience rating system in 2021 with a transition period in 2020. The Payroll Variation System will replace that of the Reserve Ratio System.

**WASHINGTON**            WAC 192-140-090

ADOPTED: June 4, 2019  
EFFECTIVE: July 22, 2019

Nonmonetary Eligibility

Provides that an individual who fails to schedule an appointment for reemployment services or participate in reemployment services by the deadline in a written directive is ineligible for benefits the week of the occurrence unless there is justifiable cause.

**WASHINGTON**            SB 5398  
Chapter 48

ENACTED: April 17, 2019  
EFFECTIVE: July 28, 2019

Nonmonetary Eligibility

Adds a waiver to waiting week and work search requirements for electrical apprentices that seek work through a referral system.

Administration

Made technical changes to the text of the rule.

Changes the requirement to report to the state directory of new hires employees who return to work after an unpaid absence from 90 days to 60 days.

Nonmonetary Eligibility

Defines good cause for not meeting a work search requirement.

Changes the suitable work requirement for an individual returning to work after an academic break between terms from 80 percent to 90 percent of the amount earned in the preceding academic term.

Appeals

Defines that the number of days for a hearing notice to be provided as calendar days.

Reduces the time that an appeal tribunal must wait from the start of the scheduled time for a hearing from 15 minutes to 10 minutes to dismiss the appeal or proceed with the hearing.

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