

IV. ELIGIBILITY FOR BENEFITS AND DISQUALIFICATION FROM BENEFITS

The Federal acts contain no requirements concerning eligibility and disqualification provisions except the labor standard provisions (p. 106). Each State establishes its requirements which an unemployed worker must meet to receive unemployment insurance. All State laws provide that, to receive benefits, a claimant must be able to work and must be available for work, i.e., he must be in the labor force, and his unemployment must be due to lack of work. He must also be free from disqualification for such acts as voluntary leaving without good cause, discharge for misconduct connected with the work, and refusal of suitable work. These eligibility and disqualification provisions delineate the risk which the laws cover: the able-and-available tests as positive conditions for the receipt of benefits week by week, and the disqualifications as a negative expression of conditions under which benefits are denied. The purpose of these provisions is to limit payments to workers unemployed primarily as a result of economic causes. The eligibility and disqualification provisions apply only to claimants who meet the qualifying wage and employment requirements discussed on pages 53-56.

In all States, claimants who are held ineligible for benefits because of inability to work, unavailability for work, or disqualification are entitled to a notice of determination and an appeal from the determination.

Ability To Work

The variations from State to State in the language setting forth the requirements concerning ability to work are minor. The addition of the words "physically able" or "mentally and physically able" in a few State laws has had no significant influence on the benefit decisions under the State laws.¹ One evidence of ability to work is the filing of claims and registration for work at a public employment office, required under all State laws.

Nine States (Alaska, Delaware, Hawaii, Idaho, Maryland, Montana, Nevada, Tennessee, and Vermont) have added a proviso that no claimant who has filed a claim and has registered for work shall be

¹ Selected benefit decisions under the State laws are published monthly by the Bureau of Employment Security in Benefit Series Service, Unemployment Insurance, which may be purchased from the Superintendent of Documents, Government Printing Office, Washington, D.C., 20402, for \$4 per year.

considered ineligible during an uninterrupted period of unemployment because of illness or disability, so long as no work which is suitable, but for the disability, is offered and refused. In Nevada, the proviso is effective only if the claimant resides in that State. These provisions are not to be confused with the special programs in four States for temporary disability benefits. (See ch. VI.)

Availability for Work

“Available for work” is often translated to mean being ready, willing, and able to work. Meeting the requirement of registration for work at a public employment office is considered as some evidence of availability. Nonavailability may be evidenced by substantial restrictions upon the kind or conditions of otherwise suitable work that a claimant can or will accept or by his refusal of a referral to suitable work made by the employment service or of an offer of suitable work made by an employer. A determination that a claimant is unable to work or is unavailable for work applies to the time at which he is giving notice of unemployment or for the period for which he is claiming benefits.

The availability-for-work provisions have become more varied than the ability-to-work provisions. Ten States provide that a claimant must be available for suitable work; seven States incorporate the concept of suitability for the individual claimant in terms of work in his usual occupation or for which he is reasonably fitted by training and experience (table 26). Delaware requires an involuntarily retired worker to be available only for work which is suitable for an individual of his age or physical condition; Connecticut and New Hampshire specify that women are not required to be available for work between the hours of 1 a.m. and 6 a.m. (See p. 107 for similar provision in Massachusetts.) A male claimant in New Hampshire must be available on all the shifts or during all the hours which the industry or occupation for which he is reasonably fitted by training and experience is then working and on or during which there is a labor market for the services he offers; the limitation as to shifts and hours is not applicable if the claimant supplies satisfactory proof of advice by a legally licensed physician that work on a particular shift or during specific hours will be seriously detrimental to his health and if there is a labor market for his services during the hours he is otherwise available.

Georgia specifies the conditions under which individuals on vacation are deemed unavailable, and limits to 2 weeks in any calendar year the period of unavailability of individuals who are not paid while on a vacation provided in an employment contract or by employer-established custom or policy. North Carolina considers as unavailable a claimant whose unemployment is found to be due to vacation for

a period of 2 weeks or less in a calendar year. Maine, which specifies that an individual is ineligible for benefits during a recognized vacation period, allows a finding of eligibility if he is not entitled to vacation pay, provided he is available for work and complies with the other conditions of eligibility.

In Nebraska and New Jersey no claimant is deemed unavailable for work solely because he is on vacation without pay if the vacation is not the result of his own action as distinguished from any collective bargaining or other action beyond his individual control. Under New York law an agreement by an individual or his union or representative to a shutdown for vacation purposes is not of itself considered a withdrawal from the labor market or unavailability during the time of such vacation shutdown. Other provisions relating to eligibility during vacation periods—although not specifically stated in terms of availability—are made in Virginia, where an individual is eligible for benefits only if he is found not to be on a bona fide vacation and, in Washington, where it is specifically provided that a cessation of operations by an employer for the purpose of granting vacations shall not be construed to be a voluntary quit or voluntary unemployment.

Alabama, Michigan, and Ohio require that a claimant be available for work in a locality where his base-period wages were earned or in a locality where similar work is available or where suitable work is normally performed. Illinois considers an individual to be unavailable if, after separation from his most recent work, he moves to and remains in a locality where opportunities for work are substantially less favorable than those in the locality he left. Arizona requires that an individual be, at the time he files a claim, a resident of Arizona or of another State or foreign country that has entered into reciprocal arrangements with the State.

Michigan and West Virginia require that a claimant be available for full-time work. In Wisconsin—where a claimant may be required at any time to seek work and to supply evidence of such search—the inability and unavailability provisions are in terms of weeks for which he is called upon by his current employer to return to work that is actually available and in terms of weeks of inability to work or unavailability for work, if his separation was caused by his physical inability to do his work or his unavailability for work. Oklahoma's requirement as to ability to work and availability for work is implied, rather than direct: the law states that mere registration and reporting at a local employment office is not conclusive evidence of ability to work, availability for work or willingness to work, and requires, where appropriate, an active search for work.

Actively Seeking Work

In addition to registration for work at a local employment office, 28 State laws require that a claimant be actively seeking work or making a reasonable effort to obtain work. Tennessee specifically provides that an active or independent search for work is not required as evidence of availability.

The Oregon requirement is in terms of "actively seeking and unable to obtain suitable work." In Oklahoma, Vermont, Washington, and Wisconsin, the provision is not mandatory; the agency may require that the claimant, in addition to registering for work, make other efforts to obtain suitable work and give evidence of such efforts. The New Jersey law permits the director to modify the active search for work requirement when, in his judgment, such modification is warranted by economic conditions.

Availability During Training

Special provisions relating to the availability of trainees and to the unavailability of students or of married or pregnant women are included in some State laws. The student, marital-obligation, and pregnancy provisions are discussed on pages 113-117 along with the special disqualification provisions included in other States for these groups.

To assist claimants who are unable to find work—especially those long unemployed because their skills are no longer in demand as a result of technological changes in industrial production—20 States have special provisions regarding availability for work during periods of training or retraining (table 26). Under these provisions an otherwise eligible claimant is deemed not unavailable while he is attending a training or retraining course approved or recommended by the employment security agency. In the District of Columbia, Michigan, and Missouri, an individual may be required to accept such training.

Massachusetts and Michigan, in addition to providing regular benefits while the claimant attends an industrial retraining or other vocational training course, provide extended benefits equal to 18 times his weekly benefit rate. (See p. 76.) The California, Delaware, Hawaii, Illinois, Missouri, New York, and Rhode Island laws specify in detail the conditions for approval of the training. Illinois limits the payment of benefits during training to individuals who are not eligible for subsistence payments or similar assistance under any public or private retraining program. California and Missouri suspend payments to an individual for any week with respect to which he is entitled to receive retraining benefits as a result of the State's participation in a Federal program providing for the payment of such benefits.

Arkansas provides that an unemployed individual in a short-term vocational training or retraining course supported by congressional

appropriation to which he was referred by the agency shall be considered available for work so long as he does not refuse to apply for or accept suitable work when directed. Ohio considers an individual available for work while attending a vocational training course approved by the Ohio work training committee if the employment security agency recommends such attendance; however, the claimant is required to seek and accept suitable work that will not interfere with the training. Alaska, California, and Delaware do not disqualify an otherwise eligible claimant for refusing suitable employment if acceptance would require that he terminate the retraining course.

North Dakota permits a finding of availability for work during a period of vocational training in a program maintained by a Federal, State, or other public agency; Pennsylvania, during attendance of a training or retraining course approved by the Department of Labor and Industry "as meeting a suitable and realistic employment or re-employment objective of the employee"; and West Virginia, during training as part of an area vocational program, or similar program, which has as its object the training of unemployed individuals in new occupational skills.

The District of Columbia law disqualifies an individual if he fails, without good cause, to accept an agency recommendation that he attend a vocational training or retraining course. Idaho and Utah, which have special provisions under which students are deemed ineligible for benefits, have modified these provisions to allow the payment of benefits to otherwise eligible individuals who are undergoing training approved or recommended by the employment security agency.

Disqualification From Benefits

The major causes of disqualification from benefits are voluntary separation from work, discharge for misconduct, refusal of suitable work, and unemployment due to a labor dispute. The disqualifications imposed for these causes vary considerably among the States. They may include one or a combination of the following: a postponement of benefits for some prescribed period, ordinarily in addition to the waiting period required of all claimants; a cancellation of benefit rights; or a reduction of benefits otherwise payable. Unlike the status of unavailability for work or inability to work, which is terminated as soon as the condition changes, disqualification means that benefits are denied for a definite period specified in the law, or set by the administrative agency within time limits specified in the law, or for the duration of the period of unemployment. Frequently the disqualification lasts for the duration of the benefit year or longer.

Table 26.—Ability to work, availability for work, and seeking work requirements

State	Able to work and available for—			Actively seeking work (28 States)	Special provisions for—	
	Work (35 States)	Suitable work (10 States)	Work in usual occupation or for which reasonably fitted by prior training or experience (7 States)		Illness or disability during unemployment ¹ (9 States)	Periods of approved training (20 States)
Alabama.....			X ²			
Alaska.....		X ¹			X	X
Arizona.....	X					
Arkansas.....		X		X		X
California.....	X ²					X
Colorado.....		X		X		
Connecticut.....	X ⁴			X		
Delaware.....	X ⁴			X	X	X
District of Columbia.....	X					X
Florida.....	X					
Georgia.....	X ⁶					
Hawaii.....	X			X ⁶		
Idaho.....		X		X	X	X
Illinois ³	X ^{2,3}			X		X
Indiana ²	X			X		
Iowa.....	X			X		
Kansas.....	X			X		
Kentucky ²		X		X		
Louisiana.....	X			X		
Maine.....			X ²	X		
Maryland.....	X			X ⁶	X	
Massachusetts.....			X			X
Michigan.....			X ²	X		X
Minnesota ²	X					
Mississippi.....	X					
Missouri.....	X			X		X
Montana.....	X			X	X	
Nebraska.....	X ⁶					X
Nevada.....	X				X ¹	
New Hampshire.....		X ⁴				
New Jersey.....	X ⁴			X ⁷		
New Mexico.....	X			X		
New York.....			X ²			X
North Carolina.....	X ²			X		
North Dakota.....		X		X		X
Ohio.....		X ²		X		X
Oklahoma.....	X			X ⁷		
Oregon.....	X ²			X		
Pennsylvania.....		X				X
Puerto Rico.....	X					X
Rhode Island.....	X					X
South Carolina.....	X ²					
South Dakota.....	X					
Tennessee.....	X				X	
Texas.....	X					
Utah.....	X					X
Vermont.....	X			X ⁷	X	
Virginia.....	X ²					
Washington ²			X ²	X ⁷		
West Virginia.....			X			X
Wisconsin.....	X			X ⁷		
Wyoming.....	X			X		

¹ Claimants are not ineligible if unavailable because of illness or disability occurring after filing claim and registering for work if no offer of work that would have been suitable at time of registration is refused after beginning of such disability; in Nevada, provision applies only to claimants residing in the State.

² In locality where base-period wages were earned or where suitable work may reasonably be expected to be available (Alabama); where the commission finds such work available (Michigan); where suitable work is normally performed (Ohio); where opportunities for work are substantially as favorable as those in the locality from which he has moved (Illinois).

(Footnotes continued on page 95.)

The disqualification period is usually for the week of the disqualifying act and a specified number of consecutive calendar weeks following. Exceptions in which the weeks must be weeks following registration for work or meeting some other requirement are noted in tables 27-29. The theory of a specified period of disqualification is that, after a time, the reason for a worker's continued unemployment is due more to the general conditions of the labor market than to his disqualifying act. The time for which the disqualifying act is considered the reason for a worker's unemployment varies among the States and among the causes of disqualification. It varies from 3 weeks, in addition to the week of occurrence, in Puerto Rico to 1-26 weeks in Texas. In two States the maximum disqualification period for one or more causes may be as long as the maximum duration of benefits.

A number of States have a different theory for the period of disqualification. They disqualify for the duration of the unemployment or longer by requiring a specified amount of work or wages to requalify, or by canceling a disqualified worker's wage credits. These States are shown in tables 27-29. The provisions will be discussed in consideration of the disqualifications for each cause.

Instead of the usual type of disqualification provisions, Colorado pays or denies benefits under a system of awards. A "full award"—i.e., no disqualification—is made if the worker is laid off for lack of work or his separation is due to one of seven situations described in detail in the law. Fifty percent of the full award (one-half of the weekly benefit amount and one-half of potential benefits in the benefit year) is made if the claimant was discharged or quit work under specified circumstances in which, presumably, both employer and worker shared responsibility for the work separation. If the separation is the second consecutive such separation since the beginning of

(Footnotes for table 26.)

¹ Intrastate claimant not ineligible if unavailability is caused by noncommercial fishing or hunting necessary for survival if suitable work is not offered (Alaska); claimant not ineligible if unavailable 1 or 2 work-days due to death in immediate family or unlawful detention (California); claimant in county or city work relief program not unavailable solely for that reason (Oregon); unavailable if self-employed with return or promise of return in excess of weekly benefit amount (South Carolina). For special provisions in Illinois, Indiana, Kentucky, Minnesota, and Washington, concerning benefits for claimants unable to work or unavailable for part of a week, see pp. 67 and 68.

² Involuntarily retired individual eligible if available for work suitable in view of age, physical condition, and other circumstances (Delaware). Women not required to be available between 1 a.m. and 6 a.m. (Connecticut and New Hampshire). Male claimant in New Hampshire must be available for all shifts and hours during which his occupation or industry is then working, unless physician certifies that certain hours are detrimental to his health and he is otherwise available for other hours during which there is a labor market for his services.

³ Claimant deemed available while on involuntary vacation without pay (Nebraska and New Jersey); unavailable for 2 weeks or less in calendar year if unemployment is due to vacation (Georgia and North Carolina); ineligible during recognized vacation period but may qualify if he is available and meets other eligibility conditions (Maine); eligible only if he is not on a bona fide vacation (Virginia). Vacation shut-down pursuant to agreement or union contract is not of itself a basis for ineligibility (New York and Washington).

⁴ And is bona fide in labor market (Georgia); not applicable to persons unemployed because of plant shut-down of 3 weeks or less if conditions justify or to person 60 or over who has been furloughed and is subject to recall (Maryland).

⁵ Requirement not mandatory; see text.

⁶ Receipt of nonservice connected total disability pension by veteran at age 65 or more shall not of itself preclude ability to work.

the base period, no award is made. The law also lists in detail 23 conditions under which a worker might be separated from work and which would require a determination of "no award"—that is, all wage credits prior to the condition are canceled; no base period, benefit year, or valid claim may be established on such wages; and any base period, benefit year, or valid claim previously established is invalidated.

Similarly, a system of "special awards," prescribing conditions under which a "full" or "no" award is made, appears in the Colorado law, applicable to separations because of pregnancy, family obligations, or return to school and, by regulation, to other conditions reflecting a separation from active attachment to the labor force. (See table 31.) Finally, under a provision for "optional awards" supplemented by regulation, the employment security agency may grant one of the four foregoing types of awards for separations arising from a specified list of situations, as well as other situations not specifically covered under the other award provisions.

In 22 States the disqualifications imposed for all 3 major causes—voluntary leaving, discharge for misconduct, and refusal of suitable work—are the same. In States with provisions of different severity for the different causes, discharge for misconduct is most often the cause with the heaviest penalty.

The provisions for postponement of benefits and cancellation of benefits must be considered together to understand the full effect of disqualification. Disqualification for the duration of the unemployment may be a slight or a severe penalty for an individual claimant, depending upon the duration of his unemployment which, in turn, depends largely upon the general condition of the labor market. When cancellation of the benefit rights based on the work left is added, the severity of the disqualification depends mainly upon the duration of the work left and the presence or absence of other wage credits. Disqualification for the duration of the unemployment and cancellation of all prior wage credits tend to put the claimant out of the system. If the wage credits canceled extend beyond the base period for the current benefit year, cancellation extends into a second benefit year immediately following.

In Colorado and Michigan, where cancellation of wage credits may deny all benefits for the remainder of the benefit year, the claimant may become eligible again for benefits without waiting for his benefit year to expire. See table 16, footnote 5, for provisions for cancellation of the current benefit year. Although this provision permits a claimant to establish a new benefit year and draw benefits sooner than he otherwise could, he would be eligible in the new benefit year generally for a lower weekly benefit or shorter duration, or both, be-

cause part of the earnings in the period covered by the new base period would already have been canceled or used for computing benefits in the canceled benefit year.

Disqualification for Voluntarily Leaving Work

In a system of benefits designed to compensate wage loss due to lack of work, voluntarily leaving work without good cause is an obvious reason for disqualification from benefits. All States have such a disqualification provision.

In most States disqualification is based on the circumstances of separation from the *most recent* employment. Laws of these States condition the disqualification in such terms as [if he] "has left his *most recent* work voluntarily without good cause" or provide that the individual will be "disqualified for the week in which he has left work voluntarily without good cause, if so found by the commission, and for the [specified number of] weeks which *immediately* follow such week." Most States with the latter provision interpret it so that any bona fide employment in the period specified terminates the disqualification, but some States interpret the provision to continue the disqualification until the end of the period specified, regardless of intervening employment.

In a few States the agency looks to the causes of all separations within a specified period. (See footnote 4, table 27.) Michigan and Wisconsin, which compute benefits separately for each employer to be charged, consider the reason for separation from each employer when his account becomes chargeable.

Good cause for voluntary leaving.—In all States a worker who leaves his work voluntarily must have good cause (in Connecticut, "sufficient cause"; in Ohio, "just cause"; and in Pennsylvania, "cause of a necessitous and compelling nature") if he is not to be disqualified.

In 28 States, good cause for leaving work appears in the law as a general term, not explicitly restricted to good cause related to the employment, thus permitting interpretation to include good personal cause. However, in a few of these States, it has been interpreted in the restrictive sense.

Several States, where the disqualification for leaving work is in terms of general good cause, also specify various circumstances relating to work separations that, by statute, require a determination that the worker left with good cause. In California separations are held to be with good cause if employment is terminated under a compulsory retirement provision of a collective-bargaining agreement; in Massachusetts, if the claimant was required to retire under a pension plan, notwithstanding his prior assent to the establishment of the program; and in Rhode Island, if he leaves work pursuant to a public or private

Table 27.—Disqualification for voluntary leaving, good cause,¹ and disqualification imposed

State	Good cause restricted ² (24 States)	Benefits postponed ^{3,4}			Benefits reduced or canceled ^{4,7} (16 States)
		For fixed number of weeks ⁵ (13 States)	For variable number of weeks ⁶ (17 States)	For duration of unemployment ⁶ (26 States)	
Alabama.....	X ²			X ⁵	Benefit rights based on any work left canceled.
Alaska.....		W+5			
Arizona.....	X	W+4			4 x wba.
Arkansas.....	X ²	8 ⁵			
California ¹		5 ^{5,6}			
Colorado.....	X ²			+ qualifying wages. ^{4,10}	All or half of prior wage credits canceled. ^{4,10}
Connecticut ¹	X ²	W+4			
Delaware.....	X ²			X	
District of Columbia.....			W+4-9		Equal.
Florida.....	X ²		W+1-12, ⁵	+10 x wba ²	
Georgia.....	X ²		5-9 ^{4,5,11}		Equal. ⁴
Hawaii.....			W+2-7		
Idaho.....				+8 x wba	
Illinois.....		6 ^{5,6}		+6 x wba ²	
Indiana.....				+10 x wba	
Iowa.....	X ²			X ⁵	Benefit rights based on any work left canceled.
Kansas.....		W+6 ¹¹			
Kentucky.....				X ⁵	
Louisiana.....	X			+10 x wba ⁴	
Maine.....	X			+15 x wba and 4 weeks work.	
Maryland.....			W+1-9 ²	+10 x wba ²	
Massachusetts ¹			4-10 ^{4,12}		
Michigan.....	X ²			X ⁵	Benefit rights based on any work left canceled.
Minnesota.....	X ²		3-7 ⁵		
Mississippi.....				+8 x wba	
Missouri.....	X ²			+10 x wba ⁴	
Montana.....			2-5		
Nebraska.....	X		W+1-5		Equal. ^{4,7}
Nevada.....			W+1-15		
New Hampshire.....	X ²			+3 weeks in covered work at wages of wba +\$3.	
New Jersey.....	X			+4 x wba	
New Mexico.....			W+1-13		Equal.
New York ¹				+3 days work in each of 4 weeks or \$200.	
North Carolina.....	X		4-12 ^{4,12}		Equal.
North Dakota.....				+10 x wba	
Ohio ¹				+6 weeks in covered work and 6 x wba.	
Oklahoma.....	X	6 ⁵			
Oregon.....		8 ⁵		4+ weeks work at weekly wages equal to wba. ²	
Pennsylvania ¹				+8 x wba	
Puerto Rico.....		W+3			
Rhode Island ¹				+4 weeks with weekly wages of \$20.	
South Carolina.....			2-6 ^{5,11}		Optional equal.
South Dakota.....			4-9 ^{4,5,12}		Equal. ⁴
Tennessee.....	X ²			5 x wba in covered work	
Texas.....	X		1-26 ⁵		Equal.
Utah.....			2-6 ⁵		
Vermont.....	X		2-9 ^{4,12}		
Virginia.....				+30 days work	
Washington.....		W+5			
West Virginia.....	X	W+6			6 x wba. ¹²
Wisconsin.....	X ²	W+4 ¹²		(⁵).....	Benefit rights based on any work left canceled. ¹²
Wyoming ¹				+ qualifying wages.....	All accrued benefits forfeited.

(Footnotes on page 99.)

plan providing for retirement, if he is otherwise eligible. New York provides that voluntary leaving is not in itself disqualifying if circumstances developed in the course of employment that would have justified the claimant in refusing such employment in the first place.

Three States—in addition to those where good cause is restricted to that attributable to the employer (see below)—specify that no disqualification shall be imposed if the claimant left work to accept other work or to enter the Armed Forces of the United States: In Massachusetts, if he left in good faith to accept new, permanent full-time work, from which he was subsequently separated for good cause attributable to the employing unit; in Wyoming, if he left for the sole purpose of accepting better employment, in which he remained continuously for at least 12 weeks; and in Ohio, if the separation was for the purpose of entering the Armed Forces and induction or application to enter occurred within 30 days after the separation.

In 24 States (table 27) good cause is specifically restricted to good cause connected with the work or attributable to the employer, or, in West Virginia, involving fault on the part of the employer. Con-

(Footnotes for table 27.)

¹ In States footnoted, see text for definitions of good cause and conditions for applying for disqualification.
² Good cause restricted to that connected with the work, attributable to the employer or involving fault on the part of the employer; in New Hampshire, by regulation. See text for exceptions in States footnoted.

³ Florida, Illinois, Maryland, and Oregon counted in 2 columns. In Florida, both the term and the duration-of-unemployment disqualifications are imposed. In Illinois, claimant with wages in 3 or 4 quarters of base period is disqualified for 6 weeks or until he accepts bona fide work with wages equal to his weekly benefit amount, if earlier; claimant with wages in 1 or 2 quarters is disqualified until he has 6 times weekly benefit amount in earnings subject to Federal Insurance Contributions Act. In Maryland either disqualification may be imposed, at discretion of agency. In Oregon, disqualification may be satisfied if claimant has, in 8 weeks, registered for work, been able to and available for work, actively seeking and unable to obtain suitable work.

⁴ Disqualification is applicable to other than last separation, as indicated: from beginning of base period (Colorado, Iowa, Louisiana, and South Dakota); within specified periods preceding a claim, 52 weeks (Georgia), 1 year (Missouri). If last work was intermittent or temporary, disqualification may apply to separation last preceding such work (Kentucky). Reduction of benefits applicable to separations from any base-period employer (Nebraska).

⁵ "W+" means week of occurrence plus indicated number of weeks following. Disqualification period begins with: week for which a claim is filed (Georgia, Illinois, Massachusetts, North Carolina, South Carolina, and Utah); week following filing of claim (Oklahoma, Texas, Vermont). Weeks of disqualification must be: otherwise compensable weeks (South Dakota); weeks in which claimant is otherwise eligible or earns wages equal to his weekly benefit amount (Arkansas and Minnesota); weeks in which he meets reporting and registration requirements (California) and able-and-available requirements (Illinois). Disqualification may run into next benefit year which begins within 12 months after end of current year (North Carolina).

⁶ Figures show minimum employment or wages required to requalify for benefits.

⁷ "Equal" indicates a reduction equal to the weekly benefit amount multiplied by the number of weeks of disqualification or, in Nebraska, the number of weeks chargeable to employer involved, if less. "Optional" indicates reduction at discretion of the agency.

⁸ If the separating employer was the only base-period employer, cancellation results in disqualification for at least the remainder of the benefit year.

⁹ Agency may add 1-8 weeks more for successive disqualifications.

¹⁰ All prior wages canceled if claimant left work under conditions specified for "no-award" determination or if his leaving is second separation from work since beginning of base period that resulted in a 50-percent award; weekly benefit amount and total benefits in benefit year reduced by half if separation is under conditions requiring 50-percent award. See text for further details.

¹¹ Disqualified for duration of unemployment and until claimant earns 8 times weekly benefit, if voluntarily retired (Kansas and South Carolina), to receive pension (Georgia).

¹² Disqualification period reduced by number of weeks of new work subsequent to leaving (Massachusetts) if amount potentially chargeable to employer is less than 4 times weekly benefit, disqualification may be reduced to the number of weeks represented by the potentially chargeable amount (South Dakota). Disqualified for 1-9 weeks if health precludes discharge of duties of work left (Vermont). If claimant returns to employment before end of disqualification period, remaining weeks are canceled and deduction for such weeks is recredited (North Carolina). Deduction recredited if individual returns to covered employment for 30 days in benefit year (West Virginia). Benefit rights are not canceled if claimant left employment because he was transferred to work paying less than $\frac{3}{4}$ immediately preceding wage rate or if he left to take other work; but, in latter situation, he is ineligible for benefits based on such employment until he has been employed in at least 7 subsequent weeks (Wisconsin).

necticut, Louisiana, and Montana disqualify persons who "left" work and do not specify "voluntary" leaving. Fourteen of these States modify, in one or more respects, the requirement that the claimant be disqualified if the separation was without good cause attributable to the employer or to the employment.

The most common exceptions are those provided for separations because of the claimant's illness² and those for the purpose of accepting other work.³ The provisions relating to illness, injury, or disability usually state the requirements that the claimant must meet in regard to submitting a doctor's certificate, notifying the employer, returning to work upon recovery, and making reasonable efforts to preserve job rights. Exceptions are also made, under specified conditions, in Arkansas and Wisconsin for separations for compelling personal reasons, and, in Colorado and Iowa, for compelling reasons including illness of a spouse, dependent child, or other members of the immediate family.

The exceptions concerning separations to accept other work usually require that the new work be "better" than the work left and that the claimant have remained in such work for a specified period. In Georgia, the provision is applied at the discretion of the agency and, in Alabama and Michigan, it is applicable only if the individual's subsequent separation from the new work is with good cause attributable to the employer or is due to lack of work.

Connecticut, Iowa, and Missouri make an exception if an individual, on layoff from his regular employer, quits other work to return to his regular employment; in Michigan, canceled benefit rights are restored if, in response to a recall, he leaves other work to return to his regular employer within 52 weeks following a separation due to lack of work. Exceptions are also made in Connecticut if a claimant leaves work to return to his regular apprenticeable trade or if he leaves work solely by reason of governmental regulation or statute.

New Hampshire allows benefits if an individual, not under disqualification, accepts work that would not have been suitable and terminates such employment within 4 weeks. In Alabama, an individual is not disqualified if he left work and entered military service or was rejected and applied for return to his job within a reasonable period after rejection; and, in Tennessee, if he left work in good faith to join the armed forces.

Period of disqualification.—In 13 States the disqualification for voluntary leaving is a fixed number of weeks; the longest period in any one of these States is 8 weeks (table 27). Seventeen States have a variable disqualification; in 12 of these States, the maximum period is 10 weeks or less and, in 5 States, 12 weeks or more—up to a maximum

* Alabama, Arkansas, Colorado, Delaware, Florida, Iowa, Minnesota, and Tennessee.

† Alabama, Colorado, Georgia, Iowa, Michigan, Minnesota, Missouri, and Wisconsin.

of 26 weeks in Texas. In 26 States the disqualification is for the duration of the individual's unemployment—in 19 of these States, until he is again employed and earns a specified amount of wages.⁴

Cancellation of benefit rights.—In 16 States, in addition to the postponement of benefits, benefit rights are canceled or reduced, usually equal in extent to the weeks of benefit postponement imposed. In six of these States, the disqualification may mean the loss of all benefit rights until the worker earns in subsequent employment sufficient wages to meet the qualifying requirement to establish a benefit year. In Colorado, under the “no-award” provision, all wages earned prior to the separation from work are canceled for all purposes.⁵ If the claimant is disqualified under conditions indicating that he contributed to, but was not wholly responsible for, incompatibility with a supervisor or fellow employees, a “fifty percent of a full award” is required, under which he would receive one-half of the award to which he would otherwise have been entitled. In Wyoming, the individual disqualified for voluntary leaving without good cause forfeits all accrued benefits.

In Alabama and Iowa benefits based upon the employment which the worker left are canceled; if the worker had no other employers after the beginning of the base period, this cancellation would result in disqualification not only for the duration of the unemployment but also for the remainder of the benefit year and until the worker had enough subsequent employment to qualify for a second benefit year. However, if he had had other base-period employers, he might be eligible without delay for benefits based on his wages with them. In Michigan and Wisconsin, where benefits are computed separately for each employer in inverse chronological order, all benefit rights earned with the employer concerned in the determination are canceled in cases of voluntarily leaving without good cause. In addition, Wisconsin postpones for 4 weeks benefit rights earned with earlier employers.

The disqualifications imposed for voluntary leaving without good cause may be summarized as follows:

⁴ Illinois and Oregon are included in the number of States with a fixed period and Florida and Maryland, in those with a variable period, as well as in the number that disqualify for the duration of the unemployment or longer. (See footnote 3, table 27.)

⁵ In Colorado and Michigan, if all wage credits have been canceled, the claimant may become eligible again without waiting for his benefit year to expire. See p. 96.

<i>Provision</i>	<i>Number of States</i> ¹
All States.....	52
No reduction of benefit rights.....	36
Reduction of benefit rights.....	16
Maximum period of 6 weeks or less.....	14
No reduction of benefit rights.....	9
Reduction of benefit rights.....	5
Maximum period of more than 6 weeks.....	12
No reduction of benefit rights.....	6
Reduction of benefit rights.....	6
Disqualification for the duration of unemployment or longer.....	26
No reduction of benefit rights.....	21
Reduction of benefit rights.....	5

¹ Counting Florida, Illinois, Maryland, and Oregon in the unlimited group; see table 27.

Relation to availability provisions.—A claimant who is not disqualified for leaving work voluntarily because he left with good cause is not necessarily eligible to receive benefits. If he left because of illness or to take care of illness in the family, he may not be able to work or be available for work. In most States his ineligibility for benefits would extend only until he was able to work or was available for work, rather than for the fixed period of disqualification for voluntary leaving.

Discharge for Misconduct Connected With the Work

The provisions for disqualification for discharge for misconduct follow a pattern similar but not identical to that for voluntary leaving. There is more tendency to provide disqualification for a variable number of weeks "according to the seriousness of the misconduct." In addition, 21 States provide for heavier disqualification in the case of discharge for a dishonest or a criminal act, or other acts of aggravated misconduct.

Some of the State laws define misconduct in the law in such terms as "willful misconduct" (Connecticut and Pennsylvania); "deliberate misconduct in willful disregard of the employing unit's interest" (Massachusetts); and "failure to obey orders, rules or instructions or the failure to discharge the duties for which he was employed" (Georgia). Kentucky provides that "legitimate activity in connection with labor organizations or failure to join a company union shall not be construed as misconduct." Detailed interpretations of what constitutes misconduct have been developed in each State's benefit decisions.

Disqualification for discharge for misconduct, as that for voluntary leaving, is usually based on the circumstances of separation from the most recent employment. However, as indicated in table 28, footnote 3, in six States the statute requires consideration of the reasons for

separation from employment other than the most recent. In New York and Ohio, the disqualification is applicable to any separation within the base period for a felony or dishonesty in connection with the work.

Period of disqualification.—Twenty-three States have a variable disqualification for discharge for misconduct (table 28). In some, the range is small, e.g., the week of occurrence plus 3 to 6 weeks in Alabama and 1 to 5 weeks in Nebraska; in some States the range is large, e.g., 7 to 24 weeks in South Dakota and 1 to 26 weeks in Texas. Fifteen States provide flat disqualification, and 18 States disqualify for the duration of the unemployment or longer. (Florida, Illinois, Maryland, and Oregon are included twice in the foregoing count; see footnote 2, table 28.) Sixteen States cancel all or some of the claimant's benefit rights.

Sixteen States provide for disqualification for disciplinary suspensions as well as for discharge for misconduct. Eight States provide the same disqualification for both causes (footnote 1, table 28). In the other eight States the disqualification differs as indicated in footnote 7, table 28.

Disqualification for gross misconduct.—Twenty-one States provide heavier disqualifications for what may be called gross misconduct. These disqualifications are shown in italic in table 28. In 3 of the States, the disqualification runs for 1 year; in 6 States, for the duration of the individual's unemployment; and in 12 States, wage credits are canceled in whole or in part, on a mandatory or optional basis.

The conditions specified for imposing the disqualification for discharge for gross misconduct are in such terms as: discharge for dishonesty or an act constituting a crime or a felony in connection with the claimant's work, if he is convicted or signs a statement admitting the act (Illinois, Indiana, Montana, New York, North Carolina, Ohio, Oregon, and Utah); conviction of a felony or misdemeanor in connection with the work (Maine); discharge for a dishonest or criminal act in connection with the work (Alabama and Kentucky); gross or aggravated misconduct connected with the work (Maryland, Missouri, South Carolina, Tennessee, and West Virginia); discharge for dishonesty, intoxication, or willful violation of safety rules (Arkansas); gross, flagrant, willful, or unlawful misconduct (Nebraska); misconduct that has impaired the rights, property, or reputation of a base-period employer (Louisiana); intentional, willful, or wanton disregard of the employer's interest (Kansas); and discharge for arson, sabotage, felony, or dishonesty connected with the work (New Hampshire). Additional disqualifications are provided in Kansas and New Hampshire (for details, see footnote 10, table 28).

Table 28.—Disqualification for discharge for misconduct ¹

State	Benefits postponed ^{2,3}			Benefits reduced or canceled ^{3,6} (16 States)
	For fixed number of weeks ⁴ (15 States)	For variable number of weeks ⁴ (23 States)	For duration of unemployment ⁴ (18 States)	
Alabama ⁷		W+3-6		Equal. Benefit rights based on any work involved canceled.
Alaska ¹	W+5			
Arizona	W+4 8 ⁴			4 x wba.
Arkansas			10 weeks at weekly wages equal to wba.	
California	5 ^{4,8}			
Colorado			+qualifying wages ⁹	All or half of prior wage credits canceled. ^{3,9}
Connecticut	W+4			
Delaware			X	
District of Columbia		W+4-9		Equal.
Florida		W+1-12 ²	10 x wba ²	Equal. ³
Georgia ¹		5-11 ⁴		
Hawaii		W+2-7		
Idaho			+8 x wba +6 x wba ²	
Illinois	6 ^{2,4}			Benefit rights based on any work involved canceled.
Indiana ⁷			+10 x wba	Benefit rights based on any work involved canceled.
Iowa		4-9 ³		Equal. ³
Kansas	W+6			
Kentucky		6-16 ²	+8 x wba ¹⁰ X ² +10 x wba ²	(10)
Louisiana				Benefit rights based on any work involved canceled. ³
Maine			+20 x wba +\$400 in wages.	
Maryland ¹		W+1-9 ²	+10 x wba ² +10 x wba	
Massachusetts ⁷		4-10 ⁴		
Michigan ⁷			X ¹¹	Benefit rights based on any work involved canceled. ¹¹
Minnesota		3-7 ⁴		
Mississippi		W+1-12 1-8 ³		
Missouri ¹		1-8		Optional cancellation of all or part of benefit rights based on work involved.
Montana	12 months	2-9		
Nebraska		W+1-5		Equal. ^{3,6} All prior wage credits canceled.
Nevada		W+1-15		
New Hampshire ⁷	W+3			3 weeks. All prior wage credits canceled. ¹⁰
New Jersey	W+5			
New Mexico		W+1-13		Equal.
New York			+3 days work in each of 4 weeks or \$200.	
North Carolina	12 months ²			Equal. All prior wage credits canceled.
North Dakota ⁷		5-12 ^{4,12}		
Ohio ⁷			+10 x wba 6 weeks in covered work and 6 x wba.	Benefit rights based on any work involved canceled. ³
Oklahoma	6 ⁴			

Table 28.—Disqualification for discharge for misconduct¹—Con.

State	Benefits postponed ^{2 3}			Benefits reduced or canceled ^{3 6} (16 States)
	For fixed number of weeks ⁴ (15 States)	For variable number of weeks ⁴ (23 States)	For duration of unemployment ⁵ (18 States)	
Oregon.....	8 ⁷		+4 weeks work at weekly wages equal to wba. ⁸	<i>All prior wage credits canceled.</i>
Pennsylvania ¹ Puerto Rico ¹ Rhode Island South Carolina.....	W+3.....		+8 x wba.....	
South Dakota ¹ Tennessee.....		W+3-10 6-23 ⁴ 6-23 ⁴ 7-24 ^{3 4 12}		<i>Optional equal. Equal.¹²</i>
Tennessee.....			5 x wba in covered work.	
Texas.....		1-26 ⁴		<i>All prior wage credits canceled. Equal.</i>
Utah.....		W+1-9.....		
Vermont.....	W+51.....			6 x wba. ¹³
Virginia Washington ¹ West Virginia.....	W+5..... W+6.....	6-12 ⁴	+30 days work.....	
Wisconsin ⁷ Wyoming.....	W+3.....		+30 days in covered work. (¹¹) +qualifying wages.....	<i>Benefit rights based on any work involved canceled.¹¹ All accrued benefits forfeited.</i>

¹ Heavier disqualifications in 21 States, applicable to discharges for dishonest or criminal acts or other acts of aggravated misconduct, are shown in *italic*. In States noted, the disqualification for disciplinary suspensions is the same as that for discharge for misconduct. Disqualifications for suspension in other States are shown in footnote 7, below.

² Florida, Illinois, Maryland, and Oregon counted in 2 columns. In Florida, both the term and the duration-of-unemployment disqualifications are imposed. In Illinois, claimant with wages in 3 or 4 quarters of base period is disqualified for 6 weeks or until he accepts bona fide work with wages equal to his weekly benefit amount, if earlier; claimant with wages in 1 or 2 quarters is disqualified until he has 6 times weekly benefit amount in earnings subject to Federal Insurance Contributions Act. In Maryland, either disqualification may be imposed, at discretion of agency. In Oregon, disqualification may be satisfied if claimant has, in 8 weeks, registered for work, been able to and available for work, actively seeking and unable to obtain suitable work.

³ Disqualification is applicable to other than last separation, as indicated: from beginning of base period (Colorado, Iowa, Louisiana, and South Dakota), if claimant is convicted or signs statement admitting act which constitutes a felony in connection with employment (New York), or if unemployed because of dishonesty in connection with work (Ohio); within specified periods preceding a claim, 52 weeks (Georgia), 1 year (Missouri). If last work was intermittent or temporary, disqualification may apply to separation last preceding such work (Kentucky). Reduction of benefits applicable to any base-period employer (Nebraska).

⁴ "W+" means week of occurrence plus indicated number of weeks following. Disqualification period begins with: week for which a claim is filed (Georgia, Illinois, Massachusetts, North Carolina, and South Carolina); week following filing of claim (Oklahoma, Texas, and Vermont). Weeks of disqualification must be: otherwise compensable weeks (South Dakota); weeks in which claimant is otherwise eligible or earns wages equal to his weekly benefit amount (Arkansas and Minnesota); weeks in which he meets reporting and registration requirements (California) and able-and-available requirements (Illinois). Disqualification may run into next benefit year which begins within 12 months after end of current year (North Carolina).

⁵ Figures show minimum employment or wages required to requalify for benefits.

⁶ "Equal" indicates a reduction equal to the weekly benefit amount multiplied by the number of weeks of disqualification or, in Nebraska, by the number of weeks chargeable to employer involved, whichever is less.

⁷ Disqualified for duration of suspension, but not to exceed 4 weeks (Alabama), 5 weeks (Indiana), 10 weeks (Massachusetts), 2 weeks (New Hampshire), and 30 days (North Dakota); each week of suspension (Michigan and Ohio); each of suspension for misconduct or for loss, due to his own fault, of license legally required in his work, and the first 3 weeks of suspension for other good cause (Wisconsin).

⁸ Agency may add 1-8 weeks more for successive disqualifications.

⁹ All prior wages canceled if claimant was discharged under conditions specified for "no-aw d" determination or if his discharge is second separation from work since beginning of base period that resulted in a 50-percent award. See pp. 95-96 for further details.

¹⁰ If claimant is charged with a felony, as a result of misconduct, all wage credits prior to date of the charges are canceled but they are restored if charge is dismissed or individual is acquitted (Kansas). If discharged for intoxication which interferes with work, 4-26 weeks; for arson, sabotage, felony, or dishonesty, all prior wage credits canceled (New Hampshire).

¹¹ If separating employer was only base-period employer, cancellation results in disqualification for at least the remainder of the benefit year.

¹² Disqualification period reduced by number of weeks of new work subsequent to separation (Massachusetts). If amount potentially chargeable to employer is less than 4 times weekly benefit, disqualification may be reduced to the number of weeks represented by the potentially chargeable amount (South Dakota). If claimant returns to employment before end of disqualification period, remaining weeks are canceled and deduction for such weeks is recredited (North Carolina). Deduction recredited if individual returns to covered employment for 30 days in benefit year (West Virginia).

Provision	Number of States ¹ with specified provision for—	
	Misconduct	Gross misconduct
All States.....	52	21
With no reduction of benefit rights.....	36	5
With reduction of benefit rights.....	16	16
Maximum period 6 weeks or less.....	14	0
With no reduction of benefit rights.....	8	0
With reduction of benefit rights.....	6	0
Maximum period limited but over 6 weeks.....	20	2
With no reduction of benefit rights.....	13	0
With reduction of benefit rights.....	7	2
Disqualification for the duration of unemployment or longer.....	18	19
With no reduction of benefit rights.....	15	5
With reduction of benefit rights.....	3	14

¹ Counting Florida, Illinois, Maryland, and Oregon in the unlimited group; see table 28.

Disqualification for a Refusal of Suitable Work

Disqualification for a refusal of work is provided in all State laws, with diverse provisions concerning the extent of the disqualification imposed, smaller differences in the factors to be considered in determining whether work is suitable or the worker has good cause for refusing it; and practically identical statements concerning the conditions under which "new work" may be refused without disqualification. To protect labor standards, the Federal Unemployment Tax Act provides that no State law will be approved, so that employers may credit their State contributions against the Federal tax, unless the State law provides that—

Compensation shall not be denied in such State to any otherwise eligible individual for refusing to accept new work under any of the following conditions: (A) If the position offered is vacant due directly to a strike, lockout, or other labor dispute; (B) if the wages, hours, or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality; (C) if as a condition of being employed the individual would be required to join a company union or to resign from or refrain from joining any bona fide labor organization.

The disqualification for refusal of suitable work is usually imposed for a failure, without good cause, to apply for available suitable work when so directed by the employment office or to accept suitable work when offered. Some States add "to return to customary self-employment."

The special provisions in some State laws on the availability for work of individuals while undergoing vocational training or retraining present a question of eligibility for benefits in the event trainees refuse

an offer of suitable work that would interfere with the completion of training to which they had been referred by the employment security agency. Alaska, California, and Delaware do not disqualify an otherwise eligible claimant for refusing suitable work under these conditions; Arkansas requires that trainees apply for and accept suitable work when directed; and Ohio requires that they seek and accept suitable work that will not interfere with the training. (See pp. 92 and 93.)

Criteria for suitable work.—In addition to the mandatory minimum standards, most State laws list certain criteria by which the suitability of a work offer is to be tested. The usual criteria are the degree of risk to a claimant's health, safety, and morals; his physical fitness and prior training, experience, and earnings; the length of his unemployment, and his prospects for securing local work in his customary occupation; and the distance of the available work from his residence. These criteria are modified in some States to include other stipulations such as, for example: In California, that any work that meets the criteria is suitable if the wages equal the claimant's weekly benefit amount; in Alabama and West Virginia, that no work is unsuitable because of distance if it is in substantially the same locality as the claimant's last regular employment, which he left voluntarily without good cause connected with the employment; in Indiana, that work under substantially the same terms and conditions under which the claimant was employed by a base-period employer, which is within his prior training and experience and physical capacity to perform, is suitable work unless he has made a bona fide change in residence which makes such offered work unsuitable to him because of the distance involved. Massachusetts deems work between the hours of 11 p.m. and 6 a.m. not suitable for women.

Delaware and New York make no reference to the suitability of work offered but provide for disqualification for refusals of work for which a claimant is reasonably fitted. Delaware, New York, and Ohio provide, in addition to the labor standards required by the Federal law, that no refusal to accept employment shall be disqualifying if it is at an unreasonable distance from the claimant's residence or the expense of travel to and from work is substantially greater than that in his former employment, unless the expense is provided for.

Period of disqualification.—Fourteen States disqualify for a specified number of weeks (3 to 8) any claimants who refuse suitable work. Nineteen States postpone benefits for a variable number of weeks, with the maximum ranging from 4 in Massachusetts to 16 in Kentucky. Twenty-three States disqualify, for the duration of the unemployment or longer, claimants who refuse suitable work. Fifteen of these specify an amount that the claimant must earn, or a period of time he must work to remove the disqualification. (Florida,

Table 29.—Disqualification for refusal of suitable work

State	Benefit postponed ^{1 2}			Benefits reduced or canceled ^{3 3} (15 States)
	For fixed number of weeks ² (14 States)	For variable number of weeks ³ (19 States)	For duration of unemployment ⁴ (23 States)	
Alabama.....		W+6-10 ²		
Alaska.....	W+5.....			
Arizona.....		W+1-5.....		
Arkansas.....	8 ²			
California.....		2-10 ^{3 6}		
Colorado.....			+qualifying wages ^{7 7}	Wage credits prior to refusal canceled. ^{2 7}
Connecticut.....	W+4.....			
Delaware.....			X.....	
District of Columbia.....		W+4-9.....		Equal.
Florida.....		W+1-5 ¹	+10 x wba ¹	Optional 1-3 x wba.
Georgia.....		5-9 ^{2 3}		Equal. ²
Hawaii.....		W+2-7.....		
Idaho.....			+8 x wba.....	
Illinois.....	6 ^{1 3}		+wba in bona fide work. ¹	
Indiana.....			+10 x wba in covered work.	
Iowa.....			X ^{2 6}	Wage credits prior to refusal canceled. ^{2 3}
Kansas.....	W+6.....			
Kentucky.....		1-16.....		
Louisiana.....			+10 x wba.....	
Maine.....			+15 x wba.....	
Maryland.....		W+1-10 ¹	+10 x wba ¹	
Massachusetts.....		W+1-4.....		Optional 1-4 x wba.
Michigan.....			X.....	Benefit rights based on prior work for employer canceled. ⁹
Minnesota.....	W+3 ²			
Mississippi.....		W+1-12.....		
Missouri.....			+10 x wba ²	
Montana.....		W+2-5.....		
Nebraska.....			X ²	Wage credits prior to refusal canceled. ²
Nevada.....		W+1-15.....		
New Hampshire.....	W+3.....			
New Jersey.....	W+3.....			
New Mexico.....		W+1-13.....		Equal.
New York.....			+3 days work in each of 4 weeks or \$200.	
North Carolina.....		4-12 ^{2 10}		Equal. ¹⁰
North Dakota.....			+10 x wba.....	
Ohio.....			6 weeks in covered work and 6 x wba.	
Oklahoma.....	W+6.....			
Oregon.....	8 ¹		+4 weeks work at weekly wages equal to wba. ¹	
Pennsylvania.....			X.....	
Puerto Rico.....	W+3.....			
Rhode Island.....	W+5 ¹⁰			
South Carolina.....	W+4.....		(6).....	Optional equal.
South Dakota.....		1-10 ^{2 3}		Equal. ²
Tennessee.....			5 x wba in covered work.	
Texas.....		1-13.....		Equal. ²
Utah.....		W+1-5.....		
Vermont.....	W+6 ¹¹			
Virginia.....			+30 days work.....	
Washington.....			+5 weeks work at weekly wages equal to wba.	
West Virginia.....		W+4 or more ¹²		Equal. ¹⁰
Wisconsin.....			4 weeks work and 4 x wba.	
Wyoming.....			+qualifying wages.....	All accrued benefits forfeited.

(Footnotes on page 109)

Illinois, Maryland, and Oregon are included twice in the foregoing count; see footnote 1, table 29.)

In addition, 15 States reduce or cancel benefit rights when a disqualification is imposed. Three of these States provide for reduction at the agency's discretion. Michigan cancels any benefit rights based on prior work for the employer who offered the job that was refused; if that employer was the claimant's only base-period employer, the cancellation results in disqualification until the claimant again meets the qualifying requirement. Colorado, Iowa, Nebraska, and Wyoming cancel all benefit rights earned prior to a refusal; this has the effect of disqualifying the claimant for the remainder of the current benefit year and until he earns sufficient wages to qualify in a subsequent benefit year.

The relationship between availability for work and refusal of suitable work was pointed out in the discussion of availability (pages 90 and 91). The Wisconsin provisions for suitable work recognize this relationship by stating: "If the commission determines that * * * a failure [to accept suitable work] has occurred with good cause, but that the employee is physically unable to work or substantially unavailable for work, she shall be ineligible for the week in which such failure occurred and while such inability or unavailability continues."

The disqualifications imposed for refusal of suitable work are summarized on the following page:

(Footnotes for table 29.)

¹ Florida, Illinois, Maryland, and Oregon counted in 2 columns. In Florida, both the term and the duration-of-unemployment disqualifications are imposed. In Illinois, claimant is disqualified for 6 weeks or until he accepts bona fide work with wages equal to his weekly benefit amount, if earlier. In Maryland, either disqualification may be imposed, at discretion of agency. In Oregon, disqualification may be satisfied if claimant has, in 8 weeks, registered for work, been able to and available for work, actively seeking and unable to obtain suitable work.

² Disqualification is applicable to refusals during other than current period of unemployment as indicated: from beginning of base period (Colorado, Iowa, and South Dakota); within specified periods preceding a claim, 52 weeks (Georgia), 1 year (Missouri); within current benefit year (Texas).

³ "W+" means week of occurrence plus indicated number of weeks following; in Alabama, specified period runs from date of disqualifying act. Disqualification period begins with: week for which a claim is filed (Georgia, Illinois, North Carolina). Weeks of disqualification must be: otherwise compensable weeks (South Dakota); weeks in which claimant is otherwise eligible or earns wages equal to his weekly benefit amount (Arkansas and Minnesota); weeks in which he meets reporting and registration requirements (California) and able-and-available requirements (Illinois). Disqualification may run into next benefit year which begins within 12 months after end of current year (North Carolina).

⁴ Figures show minimum employment or wages required to requalify for benefits.

⁵ "Equal" indicates a reduction equal to the weekly benefit amount multiplied by the number of weeks of disqualification. "Optional" indicates reduction at discretion of the agency.

⁶ Agency may add 1-8 weeks more for successive disqualifications (California). Claimant may be disqualified until he earns 8 times weekly benefit amount for repeated refusals (South Carolina).

⁷ See text (pp 95-96) for details of "no-award" determination.

⁸ Claimant may be eligible for benefits based on wage credits earned subsequent to refusal.

⁹ All benefit rights earned with employer involved are canceled if claimant refuses work offered by an employer in the base period or in current benefit year. If employer was only employer since beginning of base period, cancellation results in disqualification until claimant has enough employment and wages to qualify again.

¹⁰ If claimant returns to employment before end of disqualification period, remaining weeks are canceled and deduction for such weeks is recredited (North Carolina). Disqualification terminates upon return to bona fide employment (Rhode Island). Deduction recredited if individual returns to covered employment during benefit year (West Virginia).

¹¹ No waiting period required of claimants disqualified for refusal of work.

¹² Plus such additional weeks as offer remains open.

<i>Provision</i>	<i>Number of States¹</i>
All States.....	52
No reduction of benefit rights.....	37
Reduction of benefit rights.....	15
Maximum period of 6 weeks or less.....	16
No reduction of benefit rights.....	13
Reduction of benefit rights.....	3
Maximum period of more than 6 weeks.....	13
No reduction of benefit rights.....	7
Reduction of benefit rights.....	6
Disqualification for the duration of unemployment or longer.....	23
No reduction of benefit rights.....	17
Reduction of benefit rights.....	6

¹ Counting Florida, Illinois, Maryland, and Oregon in the unlimited group and West Virginia in the under-6-week group, see table 29.

Labor Disputes

Unlike the disqualifications for voluntary leaving, discharge for misconduct, and refusal of suitable work, the disqualifications for unemployment due to a labor dispute do not involve a question of whether the unemployment is incurred through fault on the part of the individual worker. Instead, they mark out an area that is excluded from coverage. This exclusion rests in part on an effort to maintain a neutral position in regard to the dispute and, in part, to avoid potentially costly drains on the unemployment funds.

The principle of "neutrality" is reflected in the type of disqualification imposed in all of the State laws. The disqualification imposed is always a postponement of benefits and in no instance involves reduction or cancellation of benefit rights. Inherently, in almost all States, the period is indefinite and geared to the continuation of the dispute-induced stoppage or to the progress of the dispute.

Definition of labor dispute.—Except for Alabama, no State defines labor dispute. The laws use different terms; for example, "labor dispute," "trade dispute," "strike," "strike and lockout," or "strike or other bona fide labor dispute." Twelve States exclude lockouts, presumably to avoid penalizing workers for the employer's action; four States exclude disputes due to the employer's failure to conform to the provisions of a labor contract; and four States, those due to employer's failure to conform to any law of the United States or the State on such matters as wages, hours, working conditions, or collective bargaining, or disputes where the employees are protesting substandard working conditions (table 30).

Location of the dispute.—Usually a worker is not disqualified unless the labor dispute is in the establishment in which he was last employed. Idaho omits this provision; Connecticut includes unemployment due to the existence of a labor dispute in any establishment operated by

Table 30.—Disqualification for unemployment due to labor dispute

State	Duration of disqualification			Disputes excluded if due to—			Individuals are excluded if neither they nor any of the same grade or class are—		
	During stoppage of work due to dispute (31 States)	While dispute in active progress (12 States)	Other (6 States)	Employer's failure to conform to—		Lock-out (12 States)	Participating in dispute (42 States)	Financing dispute (30 States)	Directly interested in dispute (42 States)
				Contract (4 States)	Labor Law (4 States)				
Alabama.....		X							
Alaska.....	X			X	X		X		X
Arizona.....			X ¹	X	X		X	X	X
Arkansas.....			X ²			X	X		X
California.....		X				X ³			
Colorado.....			X ³			X ³	X	X	X
Connecticut.....			X ¹			X	X	X	X
Delaware.....	X								
District of Columbia.....		X					X		X
Florida.....		X					X	X	X
Georgia.....	X						X	X	X
Hawaii.....	X						X		X
Idaho.....	X						X	X ⁴	X
Illinois.....	X						X	X	X
Indiana.....	X						X	X	X
Iowa.....	X						X	X	X
Kansas.....	X						X ⁷	X	X ⁷
Kentucky.....		X				X			
Louisiana.....		X					X ⁴		X ⁴
Maine.....	X						X	X	X
Maryland.....	X						X	X	X
Massachusetts.....	X ⁴						X	X	X
Michigan.....			X ⁵				X ⁴	X ⁴	X ⁴
Minnesota.....		X				X			
Mississippi.....	X					X	X		X
Missouri.....	X ²						X	X	X
Montana.....	X				X		X	X	X
Nebraska.....	X						X	X	X
Nevada.....		X					X	X	X
New Hampshire.....	X ³			X		X	X	X	X
New Jersey.....	X						X	X	X
New Mexico.....	X						X		X
New York.....			X ⁶						
North Carolina.....			X ⁵						
North Dakota.....	X						X		X
Ohio.....			X ¹			X			
Oklahoma.....	X						X		X
Oregon.....		X					X	X	X
Pennsylvania.....	X					X	X		X
Puerto Rico.....	X						X		X ⁴
Rhode Island.....			X ⁶				X ⁴	X ⁴	X ⁴
South Carolina.....		X					X ⁴	X ⁴	X ⁴
South Dakota.....	X						X	X	X
Tennessee.....		X					X		
Texas.....	X ⁷						X ⁷	X ⁷	X ⁷
Utah.....	X				X	X ⁸			X ^(?)
Vermont.....	X						X ⁴	X ⁴	X ⁴
Virginia.....	X						X	X	X
Washington.....	X						X	X	X
West Virginia.....	X				(⁹)	X	X	X	X
Wisconsin.....		X							
Wyoming.....	X						X	X	X

¹ So long as unemployment is due to existence of labor dispute.

² See text for details.

³ By judicial construction of statutory language.

⁴ Applies only to individual, not to others of same grade or class.

⁵ Disqualification is not applicable if claimant subsequently obtains covered employment and earns at least \$700. However, base-period wages earned from the employer involved in the labor dispute cannot be used to pay benefits during such labor dispute.

⁶ Fixed period: 7 consecutive weeks and the waiting period or until termination of the dispute (New York); 6 weeks and the waiting period (Rhode Island). See table 18 for waiting-period requirements.

⁷ So long as unemployment is due to the claimant's stoppage of work which exists because of a labor dispute. Failure or refusal to cross picket line or to accept and perform his available and customary work in the establishment constitutes participation and interest.

⁸ Disqualification is not applicable if employees are required to accept wages, hours, or other conditions substantially less favorable than those prevailing in the locality or are denied the right of collective bargaining.

the employer within the State; North Carolina, Oregon, Texas, and Virginia include a dispute at any other premise which the employer operates if the dispute makes it impossible for him to conduct work normally in the establishment in which there is no labor dispute. Michigan includes a dispute at any establishment within the United States functionally integrated with the striking establishment or owned by the same employing unit. Ohio includes disputes at any factory, establishment, or other premise located in the United States and owned or operated by the employer.

Period of disqualification.—In 31 States the period of disqualification ends whenever the “stoppage of work because of a labor dispute” comes to an end or the stoppage ceases to be due to the labor dispute. In 12 States, disqualifications last while the labor dispute is in “active progress,” and in Arizona, Connecticut, and Ohio, while the workers’ unemployment is due to a labor dispute (table 30).

A few State laws allow individuals to terminate a disqualification by showing that the labor dispute (or the stoppage of work) is no longer the cause of their unemployment. The Missouri law specifies that bona fide employment of the claimant for at least the major part of each of 2 weeks will terminate the disqualification; and the New Hampshire law specifies that the disqualification will terminate 2 weeks after the dispute is ended even though the stoppage of work continues. In contrast, the Arkansas, Colorado, and North Carolina laws extend the disqualification for a reasonable period of time necessary for the establishment to resume normal operations; and Michigan extends the period to shutdown and startup operations. Under the Massachusetts law a claimant may receive benefits if, during a stoppage of work due to a labor dispute, he obtains employment with another employer and earns wages of at least \$700 (the amount of wages required to establish a benefit year); however, base-period wages earned with the employer involved in the dispute cannot be used for benefit payments while the stoppage of work continues.

Only two States provide for a definite period of disqualification. In New York a worker who lost his employment because of a strike or lockout in the establishment where he was employed can accumulate “effective days” after the expiration of 7 weeks and the waiting period, or earlier if the controversy is terminated earlier. In Rhode Island a worker who became unemployed because of a strike in the establishment in which he was employed is entitled to benefits for unemployment which continues after a 6-week disqualification period and a 1-week waiting period.

Exclusion of individual workers.—Kentucky, Minnesota, Rhode Island, and Wisconsin limit the disqualification to workers whom the dispute caused to lose or leave their employment. In Texas the unemployment must be due to the claimant’s stoppage of work. Utah

applies a disqualification only in case of a strike involving a claimant's grade, class, or group of workers if one of the workers in the grade, class, or group fomented or was a party to the strike; if the employer or his agent and any of his workers or their agents conspired to foment the strike, no disqualification is applied. Massachusetts provides specifically that benefits will be paid to an otherwise eligible individual from his period of unemployment to the date a strike or lockout commenced, if he becomes involuntarily unemployed during negotiations of a collective-bargaining contract; Minnesota provides that an individual is not disqualified if he is dismissed during negotiations prior to a strike; and Ohio provides that the labor dispute disqualification will not apply if the claimant is laid off for an indefinite period and not recalled to work prior to the dispute or was separated prior to the dispute for reasons other than the labor dispute, or if he obtains a bona fide job with another employer while the dispute is still in progress. The other States provide that individual workers are excluded if they and others of the same grade or class are not participating in the dispute (42 States), financing it (30 States), or directly interested in it (42 States), as indicated in table 30.

Disqualification of Special Groups

Under all State laws, students who are not available for work while attending school, women who are unable to work because of pregnancy, and women who quit their jobs because of marital obligations which make them unavailable for work would not qualify for benefits under the regular provisions concerning ability to work and availability for work. Also, under those laws that restrict good cause for voluntary leaving to that attributable to the employer or to the employment, workers who leave work to return to school or who become unemployed because of pregnancy or circumstances related to their family obligations are subject to disqualification under the voluntary-quit provision.* (See table 27.) However, 41 States supplement their general able-and-available and disqualification provisions by the addition of one or more special provisions applicable to students (18 States, see p. 116), women unemployed because of pregnancy (36 States), or separated from work because of family or marital obligations (24 States). Most of these special provisions restrict benefits more than the usual disqualification provisions.

Pregnant women.—Thirty-six States have special provisions for disqualification for unemployment due to pregnancy (table 31). In addition, Rhode Island provides by regulation that a claimant whose employment has been severed because of pregnancy will be presumed to be unable to work, but the presumption is not conclusive and may be overcome by affirmative evidence to the contrary.

Table 31.—Special availability and disqualification provisions for pregnancy and marital obligations, 40 States

State	Period of disqualification or unavailability	
	Unemployment due to pregnancy ¹ (36 States)	Unemployment due to marital obligations ¹ (24 States)
Alaska.....	Until employed with wages of at least \$120.	Until employed with wages of at least \$120.
Arkansas.....	Until employed 30 days ²	Until employed 30 days. ⁴
California.....		Until employed in bona fide employment. ⁴
Colorado.....	If voluntarily left because of pregnancy, duration of pregnancy; if laid off because of pregnancy, 30 days before childbirth. ³ If sole support of children or invalid husband, ineligible for 30 days after termination of pregnancy; otherwise, ineligible until employed 13 weeks in full-time covered work.	Until employed 13 weeks in full-time covered work. ⁴
Connecticut.....	Any week of unemployment due to pregnancy, but not less than 2 months before and 2 after childbirth. ⁵	
Delaware.....	Any week of unemployment due to pregnancy, but not less than 8 weeks before and 6 after childbirth.	
District of Columbia.....	6 weeks before and 6 after childbirth.....	
Georgia.....	If she voluntarily left work because of pregnancy, duration of pregnancy and until she earns 8 x wba in bona fide insured work.	
Hawaii.....	4 months before and 2 after childbirth.....	Until shows evidence of availability besides registration for work.
Idaho.....	6 weeks before and 6 after childbirth. ⁶	Until demonstrates desire and availability for work or becomes main support of self and family.
Illinois.....	13 weeks before and 4 after childbirth. ⁴ ...	Until domestic circumstances causing separation cease, return to locality left, or earns 8 x wba in work covered under an unemployment insurance law. ⁷
Indiana.....	Duration of unemployment due to pregnancy.	Until \$200 is earned in employment covered under an unemployment insurance law.
Kansas.....	2 months before and 1 after childbirth.....	Until 8 x wba is earned.
Kentucky.....		Until employed in bona fide work.
Louisiana.....	12 weeks before and 6 after childbirth.....	
Maine.....	Any week of unemployment due to pregnancy, but not less than 8 weeks before and 4 after childbirth. ⁸	If voluntarily left work, until 15 x wba is earned and 4 full weeks work
Maryland.....	2 months before and 2 after childbirth	
Massachusetts.....	Any week of unemployment due to pregnancy, but not less than 4 weeks before and 4 after childbirth. ⁹	
Michigan.....	Duration of unemployment due to pregnancy. ³	
Minnesota.....	Until employed 2 weeks in insured work.	If voluntarily left work, until employed 2 weeks in insured work; if dismissed due to employer rule on employment of married women, all wage credits with such employer canceled. ⁴
Mississippi.....		Until employed with earnings of 8 x wba.
Missouri.....	3 months before and 4 weeks after childbirth.	
Montana.....	If she left most recent work during pregnancy and unless she submits medical evidence of ability to work, until 2 months following childbirth.	All existing wage credits canceled.
Nebraska.....	12 weeks before and 4 after childbirth. ³ ...	
Nevada.....	Any week of unemployment due to pregnancy but not less than 60 days before childbirth and until proof of ability to resume is submitted.	Until \$50 is earned in bona fide work.
New Hampshire.....	8 weeks before and 8 after childbirth. ⁹ ...	
New Jersey.....	4 weeks before and 4 after childbirth.....	
New York.....		Until employed 3 days in each of 4 weeks or earned \$200.
North Carolina.....	If separated for pregnancy, duration of pregnancy; regardless of cause of separation, 3 months before and 3 after childbirth. ⁴	

Table 31.—Special availability and disqualification provisions for pregnancy and marital obligations, 40 States—Continued

State	Period of disqualification or unavailability	
	Unemployment due to pregnancy ¹ (36 States)	Unemployment due to marital obligations ² (24 States)
North Dakota.....	4 months before and until employed with earnings of 10 x wba. ¹⁰	Until employed with earnings of 10 x wba. ¹⁰
Ohio.....	If pregnancy was cause of separation, duration of unemployment and until submits medical evidence of ability to work and work with former employer is no longer available.	Until wages equal to wba are earned in employment in work covered under an unemployment insurance law.
Oklahoma.....	6 weeks before and 6 after childbirth....	Until employed in bona fide work.
Oregon.....	From week of leaving until 6 weeks after childbirth.	Until employed in bona fide work.
Pennsylvania.....	If laid off because of pregnancy, 3 months before and 1 after childbirth; if voluntarily left work, until 8 x wba is earned; if neither disqualification applies, presumed unavailable 1 month before and 1 after childbirth.	Until 8 x wba is earned. ⁴
South Dakota.....	If voluntarily left work because of pregnancy, until at least 30 days after childbirth; if dismissed because of pregnancy, at least 60 days before and 30 after childbirth.	
Utah.....	Any week of unemployment due to pregnancy, but not less than 12 weeks before and 6 after childbirth.	Until \$100 is earned or individual becomes main support of self or family.
Vermont.....	8 weeks before and 4 after childbirth.....	
Washington.....	10 weeks before and 4 after childbirth ⁵ .	
West Virginia.....	Until employed 30 days in insured work or, if medical evidence of ability to work is submitted, not more than 6 weeks after childbirth. If laid off because of pregnancy and medical evidence of ability to work is submitted, not more than 6 weeks before childbirth.	Until employed 30 days in insured work.
Wisconsin.....	10 weeks before and 4 after childbirth ⁵ .	Until employed in 4 weeks and earns \$200.

¹ 14 States (Idaho, Illinois, Indiana, Kansas, Maine, Massachusetts, Missouri, Nebraska, New Jersey, North Carolina, North Dakota, South Dakota, Washington, and Wisconsin) provide that if unemployment is due to pregnancy, a woman shall be deemed unavailable for the period specified; the other 22 provide for disqualification.

² 5 States (Hawaii, Idaho, Illinois, North Dakota, and Oklahoma) provide that an individual who leaves work voluntarily because of marital obligations shall be deemed to be unavailable; the other 19 provide for disqualification. The situations to which the provisions apply are stated in terms of leaving: to perform duties of housewife, 7 States (Arkansas, Hawaii, Idaho, Indiana, Maine, Minnesota, and Utah); to move with spouse or family, 12 States (Alaska, California, Idaho, Illinois, Indiana, Maine, Minnesota, Montana, New York, Oregon, Pennsylvania, and Wisconsin); because of marital, parental, filial, or domestic obligations, 12 States (California, Colorado, Hawaii, Illinois, Indiana, Kansas, Mississippi, North Dakota, Ohio, Oregon, Pennsylvania, and West Virginia); or to marry, 18 States (all except Colorado, Kansas, Minnesota, Mississippi, Pennsylvania, and Wisconsin).

³ Disqualification not applicable if claimant applies for reinstatement after leave of absence and is not reinstated (Arkansas); disqualification satisfied if claimant, granted leave of absence and assurance of reemployment, was not reemployed (Michigan).

⁴ Not applicable if claimant leaves to join husband in new residence and immediately upon arrival enters the labor market and makes a reasonable effort to secure work (Arkansas); if claimant is sole or major support of family (California); if worker informs employer before leaving and submits medical evidence that health of spouse or dependent child requires leaving vicinity of employment (Colorado); if claimant is sole support of herself or main support of member of immediate family (Minnesota); if individual was sole or major support of family during substantial part of 6 months prior to leaving work or filing claim and such work is not within reasonable commuting distance of new locality (Pennsylvania).

⁵ Ineligible until 30 days after termination of pregnancy, if laid off for pregnancy under reasonable rule of employer (Colorado); until she applies without restriction for former or comparable job with last employer or earns \$100 (Connecticut); until she notifies most recent employer of ability and availability for work, and, thereafter, until employed 30 hours in a week or shows active and bona fide search for work (Wisconsin). Benefits not denied if child dies and claimant is otherwise eligible (Connecticut and North Carolina).

⁶ Duration of the pregnancy if voluntarily left work (Idaho); if voluntarily left work because of pregnancy (Illinois, Nebraska, and Washington).

⁷ Unless the claimant is or has become sole support of himself and family.

⁸ Presumed to be unavailable if, solely for personal reasons, she is not able to continue in or return to position in which most recently employed.

⁹ Disqualification terminated if, after childbirth, she earns in 1 week her weekly benefit amount plus \$3 in insured work.

¹⁰ And until he can show that separation from last work was not disqualifying.

Of the 36 statutory provisions on pregnancy, 14 hold the woman unable to work and unavailable for work and 22 disqualify her because she left work on account of her condition or because her unemployment is due to pregnancy. In the restriction of benefit rights there is no distinction between the two types of provisions.

Indiana and Michigan disqualify for the duration of unemployment due to pregnancy; Alaska, Arkansas, Colorado, Connecticut, Georgia, Minnesota, North Dakota, and West Virginia require employment subsequent to termination of the pregnancy to reestablish benefit rights; the Connecticut earnings requirement is not applicable if the claimant applies without restriction for her former or for a comparable job with her last employer or if the child dies. Seven States⁶ disqualify for the duration of the unemployment due to pregnancy, but not less than a specified period before and after childbirth. Nineteen other States provide a specified period before and/or after childbirth, but of these, Idaho, Illinois, Nebraska, Pennsylvania, and Washington extend the period to the duration of unemployment or longer if the claimant voluntarily left work (table 31).

Individuals with marital obligations.—Of the 24 States with a special provision for unemployment due to marital obligations, all except 5⁷ provide for disqualification rather than a determination of unavailability. Generally, the disqualification is applicable only if the individual left work voluntarily, but in Minnesota the disqualification extends to women who lose their jobs because of an employer's rule not to employ married women.

The situations to which these provisions apply are stated in the law in terms of one or more of the following causes of separation: leaving to marry (18 States); to move with spouse or family (12 States); because of marital, parental, filial, or domestic obligations (12 States); and to perform duties of housewife (7 States). These States are listed in footnote 2, table 31. The disqualification or determination of unavailability usually applies to the duration of the individual's unemployment or longer. However, exceptions are provided in Arkansas, California, Colorado, Idaho, Illinois, Pennsylvania, and Utah. In Hawaii and Idaho, proof of availability for work may remove the disqualification.

Students.—Five States⁸ exclude from coverage the part-time work of students and 32 States exclude service performed by students for educational institutions (table 5). Eighteen States have special provisions limiting the benefit rights of students who have had covered

⁶ Connecticut, Delaware, Maine, Massachusetts, Nevada, North Carolina, and Utah.

⁷ Hawaii, Idaho, Illinois, North Dakota, and Oklahoma.

⁸ Iowa, Massachusetts, New Jersey, New York, and Ohio.

employment. Seven States⁹ disqualify for voluntarily leaving work to attend school; in some of these States, the disqualification is for the duration of the unemployment; in others, during attendance at school or during the school term.

Eight States¹⁰ disqualify claimants during school attendance and in some cases during vacation periods; in Utah, the disqualification is not applicable if the major portion of the individual's base-period wages was earned while attending school. Indiana considers individuals attending school, college, hospital, or training school as unavailable for work, but accepts as available students who attend night school or part-time school and those who work during vacation; moreover, students who customarily work full time are not considered unavailable when unemployed.

An exception is made to the student disqualifications in Arkansas, Idaho, Illinois, Nebraska, North Dakota, Utah, and West Virginia to permit the payment of benefits to individuals who are attending a training or retraining course approved or recommended by the employment security agency. (See table 26 and pp. 92 and 93.)

In Michigan, Pennsylvania, South Dakota, Vermont, and Wisconsin, benefits are not payable on wages earned while an individual was a student, with some variations and exceptions. In Wisconsin, in addition to the restrictions on earning credit weeks, students who work only part time and during vacations are not eligible for benefits based on other work.

Disqualification for Fraudulent Misrepresentation To Obtain Benefits

All States except Iowa have special disqualifications covering fraudulent misrepresentation to obtain or increase benefits (table 33). These disqualifications from benefits are administrative penalties. In addition, the State laws contain provisions for (a) the repayment of benefits paid as the result of fraudulent claims or their deduction from potential future benefits, and (b) fines and imprisonment for willfully or intentionally misrepresenting or concealing facts which are material to a determination concerning the individual's entitlement to benefits.

Recovery provisions.—All State laws make provision for the recovery, by the State agency, of benefits paid to individuals who are later found not to be entitled to them. Many States have only a general provision under which a person who "by reason of the nondisclosure or misrepresentation by him or by another, of a material fact (irrespective of whether such nondisclosure or misrepresentation was known or fraudulent)" has received benefits to which he was not entitled, is liable to have the amount of such benefits deducted from

⁹ Arkansas, Connecticut, Kansas, Kentucky, Montana, North Dakota, and West Virginia.

¹⁰ Idaho, Illinois, Montana, Nebraska, Nevada, North Dakota, Utah, and Vermont.

Table 32.—Penalties for fraudulent misrepresentation: Fine or imprisonment or both in amounts and periods specified

State	To obtain or increase benefits		To prevent or reduce benefits		State	To obtain or increase benefits		To prevent or reduce benefits	
	Fine ¹	Maximum ² imprisonment (days unless otherwise specified)	Fine ¹	Maximum ² imprisonment (days unless otherwise specified)		Fine ¹	Maximum ² imprisonment (days unless otherwise specified)	Fine ¹	Maximum ² imprisonment (days unless otherwise specified)
Ala.....	\$25- \$250	3 mos.	\$50- \$250	3 mos.	Mont.....	\$50- \$500	3-30	\$50- \$500	3-30
Alaska.....	- 200	60	- 200	60	Nebr.....	20- 50	30	20- 200	60
Ariz.....	25- 200	60	25- 200	60	Nev.....	50- 500	6 mos.	50- 500	6 mos.
Ark.....	20- 50	30	20- 200	60	N.H.....	20- 200	1 yr.	25- 300	1 yr.
Calif.....	(³)	(³)	(³)	(³)	N.J.....	- 20	-	- 50	-
Colo.....	25-1,000	6 mos.	25-1,000	6 mos.	N. Mex.....	- 100	30	- 100	30
Conn.....	- 200	6 mos.	- 200	6 mos.	N. Y.....	- 500	1 yr.	- 500	1 yr.
Del.....	20- 50	60	20- 200	60	N. C. ¹	20- 50	30	20- 50	30
D. C.....	- 100	60	- 1,000	6 mos.	N. Dak.....	- 100	90	20- 100	90
Fla.....	50- 100	30	50- 500	60	Ohio.....	- 500	6 mos.	\$ 500	-
Ga.....	(³)	(³)	20- 200	60	Okla.....	20- 50	30	20- 200	60
Hawaii.....	20- 200	30	20- 200	60	Oreg.....	100- 500	90	100- 500	90
Idaho.....	(³)	(³)	20- 200	60	Pa. ¹	30- 200	30	50- 500	30
Ill.....	5- 200	6 mos.	5- 200	6 mos.	P. R. ¹	(⁷)	(⁷)	1,000	1 yr.
Ind.....	20- 100	60	20- 100	60	R. I.....	20- 50	30	\$ 20- 50	\$ 30
Iowa.....	20- 50	30	20- 200	60	S. C. ¹	20- 100	30	20- 100	30
Kans.....	20- 50	30	20- 200	60	S. Dak.....	20- 200	(³)	20- 200	60
Ky.....	10- 50	30	10- 50	30	Tenn.....	(³)	(³)	(³)	(³)
La.....	50- 200	\$ 90	50- 200	\$ 90	Tex.....	100- 500	30-1 yr.	20- 200	60
Maine.....	20- 50	30	20- 200	60	Utah.....	50- 250	60	50- 250	60
Md.....	50- 500	90	50- 500	90	Vt.....	50	30	\$ 50	\$ 30
Mass.....	25- 200	30	100- 500	90	Va.....	(³)	(³)	(³)	(³)
Mich.....	- 100	90	- 100	90	Wash. ¹	20- 250	90	20- 250	90
Minn.....	(³)	(³)	(³)	(³)	W. Va.....	20- 50	30	\$ 20- 200	\$ 30
Miss.....	20- 50	30	20- 200	60	Wis.....	25- 100	30	25- 100	30
Mo.....	50-1,000	6 mos.	50-1,000	6 mos.	Wyo.....	- 50	30	- 200	60

¹ In States footnoted, law does not require both fine and imprisonment, except Iowa which may impose both fine and imprisonment for fraudulent misrepresentation to prevent or reduce benefits; Pennsylvania to obtain or increase benefits; and Puerto Rico to obtain or increase benefits, and to prevent or reduce benefits.

² Where only 1 figure is given, no minimum penalty is indicated; law says "not more than" amounts specified.

³ Louisiana and South Dakota specify a minimum imprisonment of 30 days.

⁴ General penalty for violation of any provisions of law; no specific penalty for misrepresentation to prevent or reduce benefits and, in Vermont, to obtain or increase benefits. In Ohio, penalty for each subsequent offense, \$25-\$1,000.

⁵ Misdemeanor.

⁶ Felony.

⁷ Penalty prescribed in Penal Code for larceny of amount involved.

future benefits or to repay the amount. A few States provide that, if the overpayment is without fault on the individual's part, he is not liable to repay the amount, but it may, at the discretion of the agency, be deducted from future benefits. Some States limit the period within which recovery may be required—1 year in Connecticut, Florida, and Nevada; 2 years in North Dakota; 3 years in Indiana; and 4 years in New Jersey. Twelve States¹¹ provide that, in the

¹¹ Arizona, Arkansas, California, District of Columbia, Florida, Hawaii, Louisiana, Massachusetts, Nevada, North Dakota, Washington, and Wyoming.

absence of fraud, misrepresentation, or nondisclosure, the individual shall not be liable for the amount of overpayment received without fault on his part where the recovery thereof would defeat the purpose of the act and be against equity and good conscience.

In many States the recovery of benefits paid as the result of fraud on the part of the recipient is made under the general recovery provision. Twenty-four States¹² have a provision that applies specifically to benefit payments received as the result of fraudulent misrepresentation. All but four States provide alternative methods for recovery of benefits fraudulently received; the recipient may be required to repay the amounts in cash or to have them offset against future benefits payable to him. New York provides that a claimant shall refund all moneys received because of misrepresentation; and Alabama, for withholding future benefits until the amount due is offset. In Texas and Wisconsin the commission may by civil action recover any benefits obtained through misrepresentation.

Criminal penalties.—Four State laws (California, Minnesota, Tennessee, and Virginia) provide that any fraudulent misrepresentation or nondisclosure to obtain, increase, reduce, or defeat benefit payments is a misdemeanor, punishable according to the State criminal law. Fraudulent misrepresentation or nondisclosure to obtain or increase benefits is a misdemeanor under the Georgia law, a felony under the Idaho law, and larceny under the Puerto Rico law. The other States include in the law a provision for a fine (maximum \$20 to \$1,000) or imprisonment (maximum 30 days to 1 year), or both (table 32). In 26 States the penalty provision applicable to a claimant who is found guilty of misrepresentation or nondisclosure to obtain or increase benefits is the same as that provided for an employer who misrepresents to prevent or reduce benefits. In 19 States the penalty on the employer is greater, in some cases considerably greater, than that applicable to the claimant. Usually the same penalty applies if the employer knowingly makes a false statement or fails to disclose a material fact to avoid becoming or remaining subject to the act or to avoid or reduce his contributions. New Jersey imposes a fine of \$250 to \$1,000 if an employer files a fraudulent contribution report; and imposes the same fine if an employer aids or abets an individual in obtaining more benefits than those to which he is entitled. Five States provide no specific penalty for fraudulent misrepresentation or nondisclosure; in these States the general penalty is applicable. (See footnote 4, table 32). The most frequent fine on the worker is \$20-\$50 (11 States) and on the employer, \$20-\$200 (14 States).

¹² Arizona, Arkansas, Colorado, Delaware, District of Columbia, Florida, Hawaii, Indiana, Louisiana, Maine, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New York, Ohio, Oklahoma, Oregon, Utah, Vermont, Washington, Wisconsin, and Wyoming.

Table 33.—Special provisions for disqualification for fraudulent misrepresentation to obtain benefits, 51 States

State	Duration of disqualification ¹	Benefits reduced or canceled
Alabama.....		4 x wba—to maximum benefit amount payable in benefit year. ²
Alaska.....	26 ^{1 3}	(9).
Arizona.....	13-52 weeks ^{1 3 4}	(9).
Arkansas.....	Current benefit year + ⁶	All wage credits prior to act canceled.
California.....	1-10; if convicted, 52 weeks ^{1 7}	(9).
Colorado.....	W+51; if fraudulent benefits received, until such amounts are repaid. ¹	(9).
Connecticut.....	2-20 weeks for which otherwise eligible. ^{1 3}	Mandatory equal reduction.
Delaware.....	W+51.....	X. ³
District of Columbia.....	All or part of remainder of benefit year and for 1 year commencing with the end of such benefit year. ²	X. ³
Florida.....	1-52 weeks ¹	(9).
Georgia.....	Current benefit year + ²	All unpaid benefits for unemployment after act and until 4 complete calendar quarters after determination of fraud canceled. ³
Hawaii.....	1-52 weeks ^{1 3}	(9).
Idaho.....	Current benefit year; if fraudulent benefits received, until such amounts and penalty are repaid.	(9).
Illinois.....	If fraudulent benefits received, until such amounts and penalty are repaid or withheld. ²	(9).
Indiana.....	Up to current benefit year + ⁶	All wage credits prior to act canceled.
Kansas.....	W+51.....	X. ³
Kentucky.....	W+up to 52 weeks; if fraudulent benefits received, until such amounts are repaid. ^{1 3}	(9).
Louisiana.....	W+52; if fraudulent benefits received, until such amounts are repaid.	X. ³
Maine.....	Duration of unemployment + \$400 in wages; if fraudulent benefits received, further period of 3 months-1 year. ¹	
Maryland.....	1 year and until benefits repaid. ¹	X. ³
Massachusetts.....	1-10 weeks for which otherwise eligible ^{1 2}	
Michigan.....	Current benefit year +; if fraudulent benefits received, until such amounts are repaid. ^{1 6}	All uncharged credit canceled.
Minnesota.....	W+up to end of current or succeeding benefit year.	(9).
Mississippi.....	W+up to 52 weeks ¹	X.
Missouri.....	Up to current benefit year + ⁶	All or part of wage credits prior to act canceled.
Montana.....	12 months and until benefits repaid. ¹	
Nebraska.....	Up to current benefit year + ⁶	All or part of wage credits prior to act canceled.
Nevada.....	W+1-52; if convicted W+51.....	X. ³
New Hampshire.....	4-52 weeks; if convicted 1 year after conviction; and until benefits repaid or withheld. ^{1 3}	Mandatory equal reduction.
New Jersey.....	W+17 ^{1 3}	17 X weekly benefit amount
New Mexico.....	Not more than 52 weeks. ¹	X. ³
New York.....	20-80 days for which otherwise eligible. ^{1 3}	Mandatory equal reduction.
North Carolina.....	W+51.....	X. ³
North Dakota.....	W+51.....	X. ³
Ohio.....	Duration of unemployment + ^{10 6}	X. ¹⁰
Oklahoma.....	W+51 ^{1 3}	Base period or benefit year may not be established during period.
Oregon.....	Up to 26 weeks; if convicted, until benefits repaid or withheld. ¹	If convicted, all wage credits prior to conviction canceled. ⁶
Pennsylvania.....	2 weeks plus 1 week for each week of fraud or if convicted of illegal receipt of benefits, 1 year after conviction. ^{2 3 11}	X. ⁶
Puerto Rico.....	W+7 ^{1 2}	
Rhode Island.....	If convicted, 1 year after conviction.....	X. ³
South Carolina.....	W+51 ¹	X. ³
South Dakota.....	1-52 weeks ¹	(9).
Tennessee.....	W+4-52.....	(9).
Texas.....	Current benefit year.....	Benefits for remainder of benefit year canceled.
Utah.....	W+51; and until benefits received fraudulently are repaid.	X. ⁶
Vermont.....	Until amount of fraudulent benefits are repaid or withheld + 1-26 weeks. ¹	(9).
Virginia.....	If convicted, 1 year after offense.....	(9).
Washington.....	Week of fraudulent act+26 weeks following filing of first claim after determination of fraud. ³	X. ⁶
West Virginia.....	W+5-52 weeks. ^{1 12}	Mandatory reduction of 5 times weekly benefit amount for each week of disqualification.
Wisconsin.....	Each week of fraud.....	1-3 weeks. ^{2 12}
Wyoming.....	If convicted, 2 weeks for each week of fraud.	

(Footnotes on page 121)

Disqualification for misrepresentation.—The provisions for disqualification for fraudulent misrepresentation follow no general pattern. In most of the States which disqualify for fraud, an attempt to defraud is disqualifying, but in Illinois and Wyoming there is no administrative disqualification unless benefits have been received as a result of the fraudulent act. In 11 States¹³ there is a more severe disqualification when the fraudulent act results in payment of benefits; in California, Nevada, New Hampshire, Oregon, and Pennsylvania, when the claimant is convicted.

In California any claimant *convicted* of misrepresentation under the penalty provisions is disqualified for 1 year. In Rhode Island and Virginia there is no disqualification unless the claimant has been convicted of fraud by a court of competent jurisdiction. On the other hand, in Hawaii, Pennsylvania, and Puerto Rico, a claimant is not subject to the administrative disqualification if penal procedures have been undertaken; in Massachusetts, administrative disqualification precludes initiation of penal procedures.

Thirteen States include a statutory limitation on the period within which a disqualification for fraudulent misrepresentation may be

¹³ Arizona, Colorado, Idaho, Kentucky, Louisiana, Maine, Maryland, Michigan, Ohio, Utah, and Vermont.

(Footnotes for table 33)

¹ "W" means week in which the act occurs plus the indicated number of consecutive weeks following. The period of disqualification is measured from date of determination of fraud (Alaska, Hawaii, Kentucky, Maryland, Michigan, Montana, New Hampshire, New Mexico, Oklahoma, Puerto Rico, and Vermont), date of claim or registration for work (Arizona, South Carolina, and West Virginia); week determination is mailed or served, or any subsequent week for which individual is first otherwise eligible for benefits; or if convicted, week in which criminal complaint is filed (California); week in which first fraudulent payment is made (Colorado); waiting or compensable week after its discovery (Connecticut, Florida, Massachusetts, New York, and South Dakota); as determined by agency (Mississippi and Oregon); date of discovery of fraud (New Jersey).

² Provision applicable at discretion of agency.

³ Provision applicable only if claim filed within 3 years following date determination was mailed or served (California); 2 years after offense (Alaska, Arizona, Hawaii, Maryland, New York, and Puerto Rico); if claim is filed within 2 years after discovery of offense (Connecticut); in current benefit year or one beginning within 12 months following discovery of offense (New Jersey); if determination of fraud is made within 12 months after offense (Georgia and Pennsylvania); and within 2 years after offense (Kentucky and Oklahoma), if court proceedings are not undertaken (Hawaii, and Puerto Rico); if claim is filed within 2 years following determination of fraud (Washington); if claim is filed within 2 years after conviction (Wyoming).

⁴ Before disqualification period ends, wage credits may have expired in whole or in part depending on disqualification imposed and/or end of benefit year. State not counted in the 33 States which reduce or cancel benefits.

⁵ Statutory provision is 1-52 weeks according to circumstances. By regulation: 13 weeks for failure to report wages for 1 week; 26 weeks for failure to report wages for 2 weeks; and 52 weeks for such failure for 3 or more weeks.

⁶ Cancellation of all wage credits means that period of disqualification will extend into 2d benefit year, depending on the amount of wage credits for such a year accumulated before fraudulent claim.

⁷ This disqualification may be served concurrently with a disqualification imposed for any of the 3 major causes if the individual registers for work for such week as required under the latter disqualifications.

⁸ Before disqualification period ends, wage credits will have expired in whole or in part, depending on end of benefit year.

⁹ Penalty is equal to greater of amount fraudulently received or current weekly benefit amount unless 3 years have elapsed from notification to repay.

¹⁰ In addition, claims shall be rejected within 4 years and benefits denied for a period determined by the agency and until repayment of benefits fraudulently drawn.

¹¹ And until benefits withheld or repaid if a finding of fault on the part of the claimant has been made.

¹² For each week of disqualification for fraudulent claim, an additional 5-week disqualification is imposed.

¹³ Compensable weeks within 2-year period following date of determination of fraud for concealing earnings or refusal of job offer.

imposed (footnote 3, table 33). The length of the period is usually 2 years and, in six States, the period runs from the date of the offense to the filing of a claim for benefits. In these States the disqualification can be imposed only if the individual files a claim for benefits within 2 years after the date of the fraudulent act. In Connecticut the disqualification may be imposed if a claim is filed within 2 years after the discovery of the offense. In four States the disqualification may be imposed only if the determination of fraud is made within 1 or 2 years after the date of the offense.

In many States the disqualification is, as would be expected, more severe than the ordinary disqualification provisions. In 11 States the disqualification is for at least a year; in others it may last longer. The provisions are difficult to compare because some disqualifications start with the date of the fraudulent act, while others begin with the discovery of the act, the determination of fraud, the date on which the individual is notified to repay the sum so received, or conviction by a court; some begin with the filing of a first claim, while others are for weeks that would otherwise be compensable. The disqualification provisions are, moreover, complicated by tie-in with recoupment provisions and by retroactive impositions.

As table 33 shows, the cancellation of wage credits in many States means the denial of benefits for the current benefit year or longer. A disqualification for a year means that wage credits will have expired, in whole or in part, depending on the end of the benefit year and the amount of wage credits accumulated for another benefit year before the fraudulent act, so that future benefits are reduced as if there had been a provision for cancellation. In other States with discretionary provisions or shorter disqualification periods, the same result will occur for some claimants. Altogether, misrepresentation involves cancellation or reduction of benefit rights in 32 States and may involve reduction of benefit rights for individual claimants in 14 more States. The disqualification for fraudulent misrepresentation usually expires after a second benefit year, but in California it may be imposed within 3 years after the determination is mailed or served; in Ohio, within 4 years after a finding of fraud; and in Washington, within 2 years of such finding. In 11 States¹⁴ the agency may deny benefits until the benefits obtained through fraud are repaid. In Minnesota, if benefits fraudulently obtained are not repaid within 20 days from the date of notice of finding of fraud, such amounts are deducted from future benefits in the current or *any* subsequent benefit year.

¹⁴ Colorado, Idaho, Illinois, Kentucky, Louisiana, Maryland, Michigan, New Hampshire, Oregon, Utah, and Vermont.

Disqualifying Income

Practically all the State laws include a provision that a claimant is disqualified from benefits for any week during which he is receiving or is seeking benefits under any Federal or other State unemployment insurance law. A few States mention specifically benefits under the Federal Railroad Unemployment Insurance Act. Under most of the laws, no disqualification is imposed if it is finally determined that the claimant is ineligible under the other law. The intent is clear—to prevent duplicate payment of benefits for the same week. It should be noted that such “disqualification” applies only to the week in which or for which the other payment is received.

Forty-seven States have statutory provisions that a claimant is disqualified for any week during which he receives or has received certain other types of remuneration such as wages in lieu of notice, dismissal wages, workmen’s compensation for temporary partial disability, primary insurance benefits under old-age and survivors insurance, benefits under an employer’s pension plan or under a supplemental unemployment benefit plan. In many States if the payment concerned is less than the weekly benefit, the claimant receives the difference; in other States no benefits are payable for a week of such payments regardless of the amount of payment (table 34). A few States provide for rounding the resultant benefits, like payments for weeks of partial unemployment, to even 50-cent or dollar amounts.

Wages in lieu of notice and dismissal payments.—The most frequent provision for disqualification for receipt of other income is for weeks in which the claimant is receiving wages in lieu of notice (32 States). In 10 of these States the claimant is totally disqualified for such weeks; in 22, if the payment is less than the weekly benefit amount, the claimant receives the difference. Fifteen States have the same provision for receipt of dismissal payments as for receipt of wages in lieu of notice. The State laws use a variety of terms such as dismissal allowances, dismissal payments, dismissal wages, separation allowances, termination allowances, severance payments, or some combination of these terms. In many States all dismissal payments are included as wages for contribution purposes after December 31, 1951, as they are under the Federal Unemployment Tax Act. Other States continue to define wages in accordance with the Federal Unemployment Tax Act prior to the 1950 amendments so as to exclude from wages, dismissal payments which the employer is not legally required to make. To the extent that dismissal payments are included in taxable wages for contribution purposes, claimants receiving such payments may be considered not unemployed, or not totally unemployed, for the weeks concerned. Some States have so ruled in general counsel opinions and benefit decisions. Indiana, Minnesota, and Pennsylvania specifically

Table 34.—Effect on weekly benefits of receipt by claimants of various types of disqualifying income, 47 States¹

State	Old-age insurance benefits (17 States)	Payments under pension plans of—		Workmen's compensation payments ² (24 States)	Wages in lieu of notice (32 States)	Dismissal payments (22 States)
		Base-period employer (17 States)	Any employer (15 States)			
Alabama.....		R.....		R ³	D.....	D.....
Alaska.....					D ⁴	
Arizona.....						D, ⁵ 4
Arkansas.....		R.....				D.....
California.....						R.....
Colorado.....	R.....	R.....		R ³	R.....	
Connecticut.....		R.....		D ⁴	D.....	D.....
Delaware.....		R ⁶				
District of Columbia.....		R.....				
Florida.....				R.....	R.....	
Georgia.....				D ²	D.....	
Idaho.....	R.....		R.....			
Illinois.....			R ⁵	R ³		
Indiana.....		R ⁶			R.....	R.....
Iowa.....	R.....		R ⁷	R ³	R.....	
Kansas.....				D ²		
Kentucky.....					R.....	
Louisiana.....	R.....	R.....		R.....	R.....	
Maine.....			R ⁵		R.....	R.....
Maryland.....	R.....		R ⁶		R.....	R.....
Massachusetts.....				D.....	R.....	
Michigan.....		R ⁶		R ⁷	R.....	
Minnesota.....	R.....		R ⁵	R ³	R.....	R.....
Mississippi.....	R.....	R.....		R.....	R.....	R.....
Missouri.....	R.....		R ⁵	D.....	R.....	R.....
Montana.....		(⁸).....		D ²	D.....	D.....
Nebraska.....	R.....		R ⁷	R.....	R.....	R.....
Nevada.....					D.....	
New Hampshire.....				R.....	D.....	R.....
New Jersey.....					D.....	
New York.....		R ⁸			R.....	D, ⁹
North Carolina.....						
North Dakota.....	R.....		R ⁵		R.....	R.....
Ohio.....	R ⁹		R ⁶	R.....	R.....	R.....
Oklahoma.....	R.....		R.....			
Oregon.....	D ³		R.....			R, ⁴
Pennsylvania.....		R ⁴ , ⁵ , ⁷			R ⁴	R, ⁴
Rhode Island.....				R.....	R.....	
South Dakota.....			R ⁵	D.....	R.....	
Tennessee.....		R ⁷ , ⁸		D ¹	D.....	
Texas.....	R.....				D.....	
Utah.....	R.....		R ⁵		R.....	R.....
Vermont.....				R.....	R.....	
Virginia.....		R ⁶				R.....
West Virginia.....		R.....		D ¹	D.....	D.....
Wisconsin.....	R ⁽¹⁰⁾		(¹⁰).....	D ⁴		R, ⁴
Wyoming.....	R.....	R.....			R.....	

¹ "R" means weekly benefit is reduced by weekly prorated amount of the payment. "D" means no benefit is paid for the week of receipt.

² See text for types of payments listed as disqualifying income in States noted. In other States the disqualification or reduction applies only to payments for temporary partial disability.

³ By regulation (Alaska and Arizona); by interpretation (North Carolina).

⁴ Individual not ineligible for benefits if payment has no direct relationship to regular wages and is not allocated to any specific period (Arizona); excludes payments up to \$100 per week made to employees permanently separated, upon their relinquishment of all accrued rights and benefits from services with separating employer (Pennsylvania); reduction as wages for a given week only when definitely allocated by the close of such week, payable to the employee for that week at the full applicable wage rate, and he has had due notice of such allocation (Wisconsin).

⁵ In States noted, the deductible amount is: Amount by which portion provided by employer exceeds the claimant's weekly benefit amount (Delaware); $\frac{1}{4}$ of pension, if plan is partially financed by employer, or entire pension, if plan is wholly financed by employer (Illinois and Ohio). Entire pension, if plan is wholly financed by the employer; $\frac{1}{2}$, if plan is partially financed by the employer; and $\frac{1}{2}$, if claimant is receiving old-age insurance benefits (Maryland); the portion provided by the employer (Missouri). $\frac{1}{4}$ of pension if employer contributed at least 50 percent; entire pension, if employer contributed 100 percent (New York); amount by which pension exceeds the maximum weekly benefit amount (Pennsylvania); and $\frac{1}{2}$ of pension (Utah).

⁶ If retirement payment is made under a plan to which contributions were made by chargeable employer.

⁷ Provision disregards retirement pay or compensation for service-connected disabilities (Iowa and Nebraska) or pension based on military service (Iowa and Tennessee) and payments under Railroad Retirement Act or private plan solely financed by employee (Pennsylvania).

(Footnotes continued on page 125)

provide for deduction of dismissal payments whether or not legally required. However, under rulings in some States, claimants who received dismissal payments have been held to be unemployed because the payments were not made for the period following their separation from work but, instead, with respect to their prior service.

Workmen's compensation payments.—Twenty-four State laws list workmen's compensation under any State or Federal law as disqualifying income. Nine disqualify for the week concerned; the other 15 States consider workmen's compensation deductible income and reduce unemployment benefits payable by the amount of the workmen's compensation payments. Nine States reduce the unemployment benefit only if the workmen's compensation payment is for temporary partial disability, the type of workmen's compensation payment that a claimant most likely could receive while certifying that he is able to work. The Alabama, Colorado, Connecticut, Illinois, and Iowa laws state merely "temporary disability." The Georgia law specifies temporary partial or temporary total disability. The Kansas provision specifies temporary total disability or permanent total disability, while the Massachusetts provision is in terms of partial or total disability but specifically excludes weekly payments received for dismemberment. The Louisiana and Texas laws are in terms of temporary partial, temporary total, or total permanent disability. The Michigan provision applies to benefits under any workmen's compensation law, other than death benefits or scheduled benefits for a specific loss. The Minnesota law specifies any compensation for loss of wages under a workmen's compensation law; and Montana's provision is in terms of compensation for disability under the workmen's compensation or occupational disease law of any State. West Virginia's and Wisconsin's provisions specify temporary total disability.

Retirement payments.—Seventeen States consider receipt of some type of "benefits under title II of the Social Security Act or similar payments under any act of Congress" as disqualifying. Except in Ohio and Oregon, these States provide for paying the difference between the weekly benefit and the weekly prorated old-age and survivors insurance payment (footnote 9, table 34).

(Footnotes for table 34)

⁸ Weekly benefit is reduced if 50 percent or more of financing is provided by employer (Tennessee) or by employer (Minnesota and South Dakota); under a plan to which employer contributed substantially or which is supported in whole or in part by public contributions (North Dakota); to which the employer contributed but only if the claimant is receiving old-age and survivors insurance (Maine). Wage credits earned with employer from whom retired are not used in computing unemployment benefits after retirement (Montana).

⁹ Benefits reduced by $\frac{1}{2}$ of old-age benefits (Ohio), claimant eligible to receive old-age benefits is ineligible for unemployment benefits unless and until he demonstrates that he has not voluntarily withdrawn from the labor force (Oregon).

¹⁰ Claimant disqualified for weeks for which he receives retirement payments under a plan to which any employer has contributed substantially or under a governmental system, including old-age insurance, if he retires from chargeable employer before reaching compulsory retirement age of that employer. If he left or lost such employment at the compulsory retirement age, all but \$5 of weekly rate of retirement pay—or that part of the retirement pay that was financed by other than the claimant, if it is known or can be reasonably estimated—is treated as wages.

Thirty-two States list payments under an employer's pension plan. The provisions usually apply only to retirement plans, but Nebraska and South Dakota include also employers' payments in cases of disability. The laws specify that retirement payments are deductible or disqualifying when received under a pension described in terms such as "sponsored by and participated in" by an employer, "pursuant to an employment contract or agreement," or "in which an employer has paid all or part of the cost."

In 16 States the weekly benefit is reduced only if the claimant retired from the service of a base-period employer or if a base-period or chargeable employer contributed to the financing of the plan under which the retirement payment is made. In general, the weekly unemployment benefit is reduced by the amount of the monthly retirement payment, prorated to the weeks covered by the payment; some States treat the prorated retirement payment as wages received in a week of unemployment and apply the formula for payment of partial benefits. In several States, only a portion of the retirement payment is deductible (footnote 5, table 34). Montana's provision on employer-financed pensions differs from those of other States in that the deduction is made from the wage credits on which benefits are based rather than from the weekly benefit payment. In this State the wage credits earned from an employer by whom the claimant was retired are not used in the computation of benefits due him after such retirement.

In Wisconsin a claimant is disqualified for weeks with respect to which he receives retirement payments under a group retirement system to which any employing unit has contributed substantially or under a government retirement system, including old-age insurance, if he left employment with the chargeable employer to retire before reaching the compulsory retirement age used by that employer; if the claimant left or lost his employment at the compulsory retirement age, all but a specified portion of the weekly rate of the retirement payment is treated as wages (footnote 10, table 34).

Supplemental unemployment payments.—A supplemental unemployment benefit plan is a system whereby, under a contract, payments are made from an employer-financed trust fund to his workers. The purpose is to provide the worker, while unemployed, with a combined unemployment insurance and supplemental unemployment benefit payment amounting to a specified proportion of his weekly earnings while employed. There are two major types of such plans:

(1) Those (of the Ford-General Motors type) under which the worker has no vested interest and is eligible for payments only if he is laid off by the company; and (2) those under which the worker has vested interest and may collect if he is out of work for other reasons, such as illness or permanent separation.

All States except New Hampshire, New Mexico, Puerto Rico, South Carolina, and South Dakota have taken action on the question of permitting supplementation in regard to plans of the Ford-General Motors type. Of the States that have taken action, all but Virginia permit supplementation without affecting unemployment insurance payments. In Virginia, supplementation is not permitted, by amendment of the unemployment insurance law.

In 46 States permitting supplementation, an interpretative ruling was made either by the attorney general (27 States) or by the employment security agency (10 States); in Maine, supplementation is permitted as a result of a Superior Court decision and, in the remaining 8 States¹⁵ by amendment of the unemployment insurance statutes.

Some supplemental unemployment benefit plans of the Ford-General Motors type provide for alternative payments or substitute private payments in a State in which a ruling not permitting supplementation is issued. These payments may be made in amounts equal to three or four times the regular weekly private benefit after two or three weekly payments of State unemployment insurance benefits without supplementation; in lump sums when the layoff ends or the State benefits are exhausted (whichever is earlier); or through alternative payment arrangements to be worked out, depending on the particular supplemental unemployment benefit plan.

Relationship with other statutory provisions.—The five States¹⁶ which have no provision for any type of disqualifying income and the much larger number which have only one or two types do not necessarily allow benefits to all claimants in receipt of the types of payments concerned. When they do not pay benefits to such claimants, they rely upon the general “able-and-available” provisions or the definition of unemployment. Some workers over 65 receiving primary insurance benefits under old-age and survivors insurance are able to work and available for work and some are not. In the States without special provisions that such payments are disqualifying income, individual decisions are made concerning the rights to benefits of claimants of retirement age. Many workers receiving workmen’s compensation, other than those receiving weekly allowances for dismemberment, are not able to work in terms of the unemployment insurance law. However, receipt of workmen’s compensation for injuries in employment does not automatically disqualify an unemployed worker for unemployment benefits. Many States consider that evidence of injury with loss of employment is relevant only as it serves notice that a condition of ineligibility may exist and that a claimant may not be able to work and may not be available for work.

¹⁵ Alaska, California, Colorado, Georgia, Hawaii, Indiana, Maryland, and Ohio.

¹⁶ Hawaii, New Mexico, Puerto Rico, South Carolina, and Washington.

Table 34 does not include the provisions in several States listing vacation pay as disqualifying income because many other States consider workers receiving vacation pay as not eligible for benefits; several other States hold an individual eligible for benefits if he is on a vacation without pay through no fault of his own. In practically all States, as under the Federal Unemployment Tax Act, vacation pay is considered wages for contribution purposes—in a few States, in the statutory definition of wages; in others, in official explanations, general counsel or attorney general opinions, interpretations, regulations, or other publications of the State agency. Thus a claimant receiving vacation pay equal to his weekly benefit amount would, by definition, not be unemployed and would not be eligible for benefits. Some of the explanations point out that vacation pay is considered wages because the employment relation is not discontinued, and others emphasize that a claimant on vacation is not available for work. Vacation payments made at the time of severance of the employment relationship, rather than during a regular vacation shutdown, are considered disqualifying income in some States only if such payments are required under contract and are allocated to specified weeks; in other States such payments, made voluntarily or in accordance with a contract, are not considered disqualifying income.

In the States that permit a finding of availability for work during periods of approved training or retraining,¹⁷ some claimants may be eligible for State unemployment benefits and, at the same time, qualify for training payments under one of the Federal training programs established under the Area Redevelopment Act, the Manpower Development and Training Act of 1962, or the Trade Expansion Act of 1962. Duplicate payments are not permitted under the State or Federal laws. However, the State benefit may be supplemented under the Manpower Development and Training Act if the allowance is greater than the State benefit.

¹⁷ See table 26.