

reserve ratio employers.

Reduces the employer adjusted rate from 0.05 percent to 0.0025 percent.

Provides that from and after December 31, 2004, the payment of contributions or job training employer taxes is not required if the quarterly amount of the contributions and taxes is less than \$10.

Monetary Entitlement

Increases the quarterly wages needed in the base period to monetarily qualify for unemployment benefits from \$1,000 to \$1,500.

Increases the maximum weekly benefit amount from \$205 to \$240, effective from and after June 30, 2004.

Nonmonetary Eligibility

Provides, effective from and after December 31, 2004, that an individual will not be deemed unemployed if:

with respect to any week of less than full-time work if the loss of full-time work is directly attributable to the fault of the individual.

the individual is receiving wages in lieu of notice, dismissal pay or severance pay. The period of time for which wages in lieu of notice, dismissal pay or severance pay are allocable will be determined by either of the following:

if there was a written contract between the employer and the claimant in effect at the time of separation, allocate to the appropriate period in accordance with the contract, continuing for the number of work days that the pay would cover at the regular wage rate.

if no written contract was in effect at the time of separation, allocate to the appropriate period following the last day of performance of services, continuing for the number of work days that the pay would cover at the regular wage rate.

When an employer continues to give the part-time worker employment opportunities to the same extent while he is receiving benefits as during the base period, places the burden of proof to establish that the employer failed to give employment opportunities to the individual to the same extent as during the base period on the Commission.

Provides that an individual who is a victim of domestic violence and leaves employment due to a documented case of a domestic violence offence will not be disqualified from receiving unemployment benefits.

Disqualifies an individual for benefits for any week in which the individual is incarcerated.

Provides that benefits will not be reduced by the receipt of social security retirement in order to take into account contributions made by the individual for the pension.

Financing

Excludes from the definition of wages payments by employers into a supplemental unemployment benefit fund for employees; this exclusion does not apply if the employee has the option to receive a lump-sum payment instead of periodically distributed supplemental unemployment benefits.

CONNECTICUT

HB 5058
(P.A. 4-60)

ENACTED May 10, 2004
EFFECTIVE July 1, 2004

Administration

Establishes a \$25 late filing fee for any employer who failures to submit timely quarterly wage information.

Financing

Requires the deposit of the collected fees into the Employment Security Administration Fund.

Overpayments

Charges a 1 percent per month interest rate on any overpayment made on or after July 1, 2005.

CONNECTICUT

HB 5340
(P.A. 4-214)

ENACTED and EFFECTIVE May 14, 2004

Monetary Entitlement

Changes the offset pension provision to provide that the weekly benefit amount will not be reduced by prorated weekly Social Security payments.

Nonmonetary Eligibility

Changes the time period during which acts of wilful misconduct are considered from 18 months to 12 months; except with respect to tardiness, each instant in which an employee is absent for 1 day or 2 consecutive days without either good cause for the absence or notice to the employer which could have reasonably been provided constitutes a separate instance.

FLORIDA

SB 1604
(CH 230)
HB 1183
(CH 237)

ENACTED and EFFECTIVE May 25, 2004

Nonmonetary Eligibility

Provides, effective July 1, 2004, that an individual will not be disqualified for benefits for voluntarily leaving work to relocate as a result of his/her military connected spouse's permanent change of station, activation, or unit deployment orders.

GEORGIA

HB 1555
(Act No. 796)

ENACTED and EFFECTIVE May 13, 2004

Financing

Extends suspension of the overall rate increase (which is dependent on the state-wide reserve ratio) from December 31, 2004, through December 31, 2005.

Nonmonetary Eligibility

Makes permanent the alternative base period by removing the June 30, 2004, expiration date.

IDAHO SB 1226 ENACTED and EFFECTIVE March 5, 2004
 (CH 24)

Financing

Increases from 90 to 180 days the time period for employers to request a discretionary transfer of an experience rating account.

Provides that whenever an individual or organization succeeds to or acquires all, substantially all, or part of the business of a covered employer, the transfer of the predecessor's experience rating account to the successor employer must be mandatory if the management, ownership, or control is substantially the same for the successor as for the predecessor and there is a continuity of business activity by the successor.

Provides that for purposes of a successorship, an employer's experience rating account must consist of the actual contribution, benefit and taxable payroll experience of the employer and any amounts due from the employer as required by state law.

KANSAS SB 440 ENACTED and EFFECTIVE April 16, 2004
 (CH 105)

Coverage

Changes the successorship provisions to provide that if a successor employer is determined to be qualified to receive the experience rating factors of the predecessor employer, the rate assigned to the successor employer for the remainder of the contributions year will be determined by the following:

If the acquiring employing unit was an employer prior to the date of the transfer, the rate of contribution will be the same as the contribution rate of the acquiring employer on the date of the transfer.

If the acquiring employing unit was not an employer prior to the date of the transfer, the successor employer will have a newly computed rate for the remainder of the contribution year which will be based on the transferred experience rating factors as they existed on the most recent computation date immediately preceding the date of acquisition. These experience rating factors consist of all contributions paid, benefit experience and annual payrolls.

Modifies the exclusion from employment for service performed by an inmate of a custodial or correctional institution to make it applicable to service performed for a private, for profit employer.

Nonmonetary Eligibility

Requires employers, when reporting new hire information, to report the employee's date of hire or rehire to the department and transmit a copy of the employee's federal W-4 with the date of hire or rehire inscribed on it, beginning January 1, 2005.

OKLAHOMA

Rule 12893

ENACTED March 26, 2004

EFFECTIVE May 1, 2004

Appeals

Permits telephone appeals to the Appeal Tribunal through the Commission's interactive voice response system or by speaking with one of the Commission's claim representatives.

Revokes the provision providing that if a party is represented by an attorney, the hearing officer may approve a fee for legal services on a quantum merit basis, provided the fee is commensurate with the fee set by the board of review.

Nonmonetary Eligibility

Amends the severance pay provision to provide for the deduction of severance pay in the week severance pay is received.

Provides that separation from employment to escape domestic violence or abuse is considered good cause and benefits are allowed, provided that a victim's protection order was on file with the appropriate authorities and the order was effective on the date the claimant separated from employment.

Requires the employer to produce certain specific documentation to establish that the drug or alcohol test of a claimant was conducted in accordance with the Standards for Workplace Drug and Alcohol Testing Act.

SOUTH CAROLINA

HB 3326
(Act No. 170)

ENACTED and EFFECTIVE February 18, 2004

Coverage (resolves pending issue)

Amends coverage provision for Indian tribes to clarify that failure to make timely payments by any tribal unit results in the entire tribe being denied the reimbursement option.

SOUTH CAROLINA

HB 4420
(Act No. 245)

ENACTED and EFFECTIVE May 24, 2004

Financing

Requires assigning an employing unit all or a portion of the employment benefit record of an existing employing unit when there is an acquisition or change in the form or organization of an existing business enterprise, or severable portion thereof, and there is a continuity of control of the business enterprise; requires the employing unit to be assigned the same rate as the predecessor, or the predecessor who has the highest base rate if there is more than one predecessor employing unit with different base rates.

Prohibits assigning an employing unit any portion of the employment benefit record of

an existing employing unit upon the acquisition of that established business or of an identifiable and segregable part thereof if the:

acquiring person was not otherwise an employer at the time of the acquisition; person has no substantial commonality of interest, including ownership or management, in the business acquired; and commission finds that the person acquired the business or an identifiable and segregable part thereof solely or primarily for the purpose of obtaining a lower rate of contributions.

Provides that if the experience rating account of the predecessor employer contains a debit balance, defined as an excess of total benefits charged over total contributions paid, the experience rating account of the predecessor employer in any event must be transferred to the successor employer.

Assesses a penalty equal to the greater of \$1,000 or 10 percent of the tax determined by the commission to be due for each report submitted in violation on an employing unit that wilfully attempts to violate these provisions; provides that this penalty may be recovered in the same manner as for the collection of other penalties; provides that officers and directors of the enterprise comprising the employing unit are individually liable for the penalties assessed.

Provides that a contribution tax return preparer who violates these provisions or provides advice to an employing unit that results in a wilful violation of these provisions is liable to a penalty of not less than \$1,000 nor more than \$10,000 for each report submitted in violation; provides that this penalty may be recovered by the commission in an appropriate civil action in any court of competent jurisdiction.

TENNESSEE

SB 3391
(CH 699)
HB 3504

ENACTED May 18, 2004
EFFECTIVE June 1, 2004

Appeals

Requires appeals to the court for review of tax liability to be filed in the chancery court of Davidson County.

Requires an appeal to be filed within 20 calendar days after the date the written notification of the redetermination is given or mailed to the last known address of the interested party or the redetermination becomes final and not subject to further review.

Financing

Deletes the provision containing procedures for making payments under protest for employers challenging a determination of liability for premiums required to be paid.

UTAH

HB 8
(CH 246)

ENACTED and EFFECTIVE March 22, 2004

Nonmonetary Eligibility

Reduces the offset for receipt of social security benefits against unemployment compensation from 100 percent to 50 percent for 3 years for benefit years beginning

after July 1, 2004 and ending on or before July 1, 2007.

UTAH	SB 5 (CH 7)	ENACTED March 15, 2004 EFFECTIVE July 1, 2004
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Coverage

Deletes provision allowing termination of coverage by the employer when there was no calendar quarter in the preceding calendar year during which an employing unit paid wages of \$140 or more; eliminates the \$140 or more requirement in a quarter with respect to the division's authority to terminate coverage of an employing unit.

Financing

Makes the \$50 late payment penalty applicable if the filing of quarterly wage information and requested reports of base period earnings is not more than 15 days late; establishes a penalty of \$50 for each 15 days or a fraction of the 15 days that the filing is late, but not to exceed \$250 per filing, if the filing is more than 15 days late.

Requires employers liable for payments in lieu of contributions to file quarterly Reimbursable Employment and Wage Reports on the last day of the month that follows the end of each calendar quarter, and applies the same late payment penalty applicable to contributing employers for untimely filing quarterly Reimbursable Employment and Wage Reports.

Monetary Entitlement

Prohibits a levy on unemployment benefits by creditors enforcing a claim for alimony, support, maintenance, certain unpaid earnings, or state or local taxes.

Provides that deductions of child support obligations or an uncollected over issuance of food stamp benefits are the only deductions that can be withheld from unemployment benefits.

Overpayments

With respect to benefit fraud, clarifies that overpayment is the amount of benefits the claimant received by direct reason of fraud.

Provides that if the fraud determination is based solely on unreported or under reported work or earnings, or both, and the claimant would have been eligible for benefits if the work or earnings,

or both, had been correctly reported, the individual does not lose eligibility because of the misreporting but is liable for the overpayment and penalties.

UTAH	SB 202 (CH 21)	ENACTED March 15, 2004 EFFECTIVE January 1, 2004
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Financing

Sets the social contribution rate at .003 for the rate year beginning January 1, 2004.

Provides that on or after January 1, 2005, the social contribution rate will be calculated by dividing all social costs applicable to the preceding 4 fiscal years by the total taxable

wages of all employers subject to contributions for the same period.

Provides that the social contribution rate for only the rate year beginning January 1, 2005, may not exceed .004.

Provides that Reed Act monies made available to the state which are received on or after January 1, 2004, may not be considered in establishing the reserve factor for the rate year 2005 or any subsequent rate year.

Increases the maximum employer contribution rate from 8.0 percent plus the social contribution rate to 9.0 percent plus the social contribution rate, effective January 1, 2004.

Reduces the maximum weekly benefit amount from 65 percent to 62 percent of the insured average fiscal year weekly wage during the preceding fiscal year for claims filed on or after July 4, 2004.

VERMONT HB 143 ENACTED and EFFECTIVE May 26, 2004

Financing

Changes the new employer rate from a rate not less than the average tax rate for the industry to which the employer is assigned to 1.0 percent, except that certain foreign corporations will be assigned a rate equal to the average rate as of the most recent computation date paid by all employers so classified.

VIRGINIA HB 288 ENACTED and EFFECTIVE April 12, 2004
(CH 525)

Nonmonetary Eligibility

Extends the definition of the term "misconduct" to include a willful and deliberate violation of a standard or regulation of the Commonwealth by an employee of an employer licensed or certified by the Commonwealth, which violation would cause the employer to be sanctioned or have its license or certification suspended by the Commonwealth. Allows the Commission to consider evidence of mitigating circumstances in determining whether misconduct occurred.

VIRGINIA HB 529 ENACTED and EFFECTIVE April 15, 2004
(CH 977)

Coverage

Excludes from the definition of "employment" services performed by an inmate for a penal or custodial institution or while participating in the Diversion Center Incarceration Program.

Nonmonetary Eligibility

Disqualifies an individual from benefits upon separation from the last employing unit from whom he has worked 30 days or 240 hours or from any subsequent employing unit if such separation arose as a condition of the individual's parole or release from a custodial or penal institution and such individual was participating in the Diversion Center Incarceration Program.

VIRGINIA SB 130 ENACTED and EFFECTIVE April 12, 2004
(CH 495)

Financing

Increases the penalty from \$30 to \$75 for any employer who had wages payable for a calendar quarter and fails without good cause to file any required report with respect to wages or taxes; increases the penalty from \$30 to \$75 for a newly covered employer who fails to file a timely quarterly report without good cause. Penalties will be paid into the special Unemployment Compensation Administration Fund.

VIRGINIA SB 179 ENACTED and EFFECTIVE April 12, 2004
(CH 583)

Financing

Noncharges an employer's account for benefits paid to an individual who was unable to work at his regular employment due to a disaster for which the governor, by executive order, has declared a state of emergency, if such disaster forced the closure of the employer's business, and if the individual returned to his regular full-time employment once the business reopened. Limits the noncharging to 4 weeks.

WASHINGTON HB 2510 ENACTED and EFFECTIVE March 24, 2004
(CH 97)

Financing

Amends the penalty provision related to evading the successorship provisions by:

adding to the penalty assessment the solvency surcharge (if any) and 2%; and changing the effective period for the penalty assessment from 5 quarters to 1 year.

WASHINGTON SB 5168 ENACTED and EFFECTIVE March 24, 2004
(CH 121)

Administration

Allows the release of information and records by the employment security department to a county clerk for purposes of verifying employment or income, seeking assignment of wages, or performing other duties necessary to the collection of an offender's legal financial obligations.

WYOMING HB 1 ENACTED March 5, 2004
(CH 95) EFFECTIVE July 1, 2004

Coverage

Provides that childcare workers contracted to provide day-care services by the department are self-employed for profit entities and are not employees of the department and not eligible for employee benefits (including unemployment insurance) as a result of receiving contract payments from the state. Authorizes the department to

appeal any decision of any state administrative body inconsistent with this determination. (Conflicts with Section 3304(a)(6)(A), FUTA)

WYOMING

HB 69
(CH 86)

ENACTED March 5, 2004
EFFECTIVE July 1, 2004

Financing

Excludes charging employers' accounts for benefits paid for unemployment resulting directly from the reinstatement of another employee upon that employee's completion of service in the uniformed services.