

HOUSE BILL NO. HB0244

Unemployment insurance amendments.

Sponsored by: Representative(s) Connolly and Senator(s)
Hastert

A BILL

for

1 AN ACT relating to unemployment insurance; authorizing
2 compensation for persons unemployed due to specified
3 compelling family circumstances; removing limitations on
4 benefits for persons unemployed because of a spouse's
5 employment transfer; amending the period for which extended
6 benefits are payable; providing an alternative base period
7 for determination of benefits periods; providing a training
8 extension benefit for certain permanently laid off workers;
9 and providing for effective dates.

10

11 *Be It Enacted by the Legislature of the State of Wyoming:*

12

13 **Section 1.** W.S. 27-3-322 is created to read:

14

15 **27-3-322. Training extension benefits.**

16

1 (a) In addition to and subsequent to payment of all
2 benefits otherwise allowed under this act and without
3 restriction with respect to an individual's benefit year,
4 training extension benefits shall be payable to any
5 individual, subject to the following:

6

7 (i) The individual is unemployed;

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9 (ii) The individual has exhausted all rights to
10 regular and extended benefits;

11

12 (iii) The individual is enrolled, not later than
13 the end of the benefit year established with respect to the
14 separation that makes the individual eligible for the
15 training benefit, and making satisfactory progress in a
16 training program approved by the department, or in a job
17 training program authorized under the Workforce Investment
18 Act of 1998, P.L. 105-220. A training program shall
19 prepare the individual who has been separated from a
20 declining occupation, as determined by the department, or
21 who has been involuntarily and indefinitely separated from
22 employment as a result of a permanent reduction of
23 operations at the individual's place of employment as a
24 result of a permanent reduction of operations at the

1 individual's place of employment, for entry into a high
2 demand occupation, as determined by the department;

3

4 (iv) The individual is not receiving similar
5 stipends or other training allowances for nontraining
6 costs;

7

8 (v) The weekly benefit payable under this
9 section shall be equal to the individual's weekly benefit
10 amount for the individual's most recent benefit year, less
11 deductible earnings or income, if any. The total amount
12 payable under this section to any individual shall be equal
13 to twenty-six (26) times the individual's weekly benefit
14 amount for the individual's most recent benefit year.

15

16 **Section 2.** W.S. 27-3-102(a)(i), 27-3-306 by creating
17 a new subsection (f), 27-3-311(a)(i)(C) and (D), 27-3-314
18 by creating new subsections (d) through (j) and
19 27-3-504(e)(vii) and by creating new paragraphs (ix)
20 through (xii) are amended to read:

21

22 **27-3-102. Definitions generally.**

23

24 (a) As used in this act:

1

2

(i) "Base period" means:

3

4

(A) The first four (4) of the last five (5) completed calendar quarters immediately preceding the first day of an individual's benefit year;~~or~~

7

8

(B) The four (4) most recently completed calendar quarters immediately preceding the start of the benefit year only if the individual applying for benefits does not qualify for any benefits under W.S. 27-3-303 using the base period defined in subparagraph (A) of this paragraph; or

14

15

(C) Any other twelve (12) month period specified by commission regulation. A calendar quarter used in one (1) base period of a valid claim shall not be used in a subsequent base period. If a combined wage claim under W.S. 27-3-608, the base period is as provided under law of the paying state;

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27-3-306. Eligibility requirements; waiver or amendment authorized; unemployed waiting period; registration and referral for suitable work.

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2 (f) Notwithstanding the requirements of subsection
3 (a) of this section, no individual shall be denied regular
4 or extended benefits under this act solely because the
5 individual is seeking only part-time work, if the
6 department determines that a majority of the weeks of work
7 in the individual's base period were for less than full-
8 time work. For purposes of this subsection, "seeking only
9 part-time work" means seeking work that has comparable
10 hours to the individual's part-time work experience in the
11 individual's base period.

12

13 **27-3-311. Disqualifications from entitlement;**
14 **grounds; forfeiture.**

15

16 (a) An individual shall be disqualified from benefit
17 entitlement beginning with the effective date of an
18 otherwise valid claim or the week during which the failure
19 occurred, until he has been employed in an employee-
20 employer relationship and has earned at least eight (8)
21 times the weekly benefit amount of his current claim for
22 services after that date, if the department finds that he:

23

1 (i) Left his most recent work voluntarily
2 without good cause attributable directly to his employment,
3 except:

4
5 (C) If forced to leave the most recent work
6 as a result of ~~being a victim of documented domestic~~
7 ~~violence;~~ compelling family reasons, specifically
8 including:

9
10 (I) Separating from employment due to
11 domestic violence or sexual assault that is verified by
12 reasonable documentation and that causes the individual to
13 reasonably believe that the individual's continuing
14 employment would jeopardize the safety of the individual or
15 an immediate family member;

16
17 (II) Separating from employment due to
18 the need to care for an immediate family member with a
19 verified illness or disability that necessitates the care
20 of the ill or disabled person for a period of time longer
21 than the employer is willing to grant either paid or unpaid
22 leave. For purposes of this subdivision, "immediate family
23 member" means an individual's child under the age of
24 eighteen (18), spouse or parent.

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(D) If unemployed ~~as a result of relocation due to the transfer of the unemployed individual's spouse, either within or outside the state,~~ due to a change in location of the employment of the individual's spouse, from which it is impractical to commute to the place of employment, and upon arrival at the new residence, the individual is in all respects able and available for suitable work and registers for work with the department of workforce services or an equivalent agency of another state where the individual is residing. ~~To qualify under this subparagraph, the individual shall be married to a member of the United States armed forces whose relocation is the result of an assignment on active duty as defined in 10 U.S.C. 101(d)(1), active guard or reserve duty as defined in 10 U.S.C. 101(d)(6), active duty pursuant to title 10 of the United States Code, or training or other duty performed by a member of the army national guard of the United States or the air national guard of the United States under section 316, 502, 503, 504 or 505 of title 32 of the United States Code. Any benefits awarded under this subparagraph shall be noncharged benefits and shall not affect an employer's experience rating account. This subparagraph is repealed effective July 1, 2018.~~

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2 **27-3-314. Extended benefit period; state "on" and**
3 **"off" indicators; notice.**

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5 (d) With respect to weeks of unemployment beginning
6 on or after March 15, 2011 and ending before January 1,
7 2012, and to the extent mandated or permitted by federal
8 law, except for reimbursable entities described in section
9 3306(c)(7) of the Internal Revenue Code, both of the
10 following apply:

11

12 (i) A state "on" indicator exists for a week if
13 one (1) of the following applies:

14

15 (A) The rate of insured unemployment under
16 this act, not seasonally adjusted, for the period
17 consisting of that week and the immediately preceding
18 twelve (12) weeks equaled or exceeded five percent (5%) and
19 equaled or exceeded one hundred twenty percent (120%) of
20 the average of the rates for the corresponding thirteen
21 (13) week period ending in each of the preceding three (3)
22 calendar years;

23

1 (B) The rate of insured unemployment under
2 this act, not seasonally adjusted, for the period
3 consisting of that week and the twelve (12) weeks
4 immediately preceding the week equaled or exceeded six
5 percent (6%), regardless of the rate of insured
6 unemployment in the three (3) previous years;

7
8 (C) The average rate of total unemployment
9 in this state, seasonally adjusted, as determined by the
10 United States secretary of labor, for the period consisting
11 of the most recent three (3) months for which data for all
12 states are published before the close of that week, equals
13 or exceeds six and five-tenths percent (6.5%);

14
15 (D) The average rate of total unemployment
16 in this state, seasonally adjusted, as determined by the
17 United States secretary of labor, for the three (3) month
18 period referred to in subparagraph (C) of this paragraph,
19 equals or exceeds one hundred ten percent (110%) of that
20 average rate of total unemployment for either or both of
21 the corresponding three (3) month periods ending in the
22 three (3) preceding calendar years.

23

1 (ii) A state "off" indicator exists for a week
2 if, for the period consisting of that week the immediately
3 preceding twelve (12) weeks, an "on" indicator does not
4 exist pursuant to paragraph (i) of this subsection.

5
6 (e) The total extended benefit amounts payable under
7 subsection (d) of this section to an eligible individual
8 with respect to the applicable benefit year shall be the
9 least of the following amounts:

10
11 (i) Fifty percent (50%) of the total amount of
12 regular benefits that were payable to the individual
13 pursuant to this section in the individual's benefit year;

14
15 (ii) Thirteen (13) times the individual's weekly
16 benefit amount that was payable to the individual pursuant
17 to this section for a week of total unemployment in the
18 applicable benefit year;

19
20 (iii) Thirty-nine (39) times the individual's
21 weekly benefit amount that was payable to the individual
22 pursuant to this section for a week of total unemployment
23 in the applicable benefit year, reduced by the regular

1 compensation paid, or deemed paid, to the individual during
2 the applicable benefit year.

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4 (f) With respect to weeks of unemployment beginning
5 on or after March 15, 2011 and continuing until the week
6 ending four (4) weeks prior to the last week for which one
7 hundred percent (100%) federal sharing is authorized by
8 subdivision (a) of section 2005 of Public Law 111-5 for all
9 claims, except for reimbursable entities described in
10 section 3306(c)(7) of the Internal Revenue Code, both of
11 the following apply:

12
13 (i) A state "on" indicator exists for a week if
14 one (1) of the following applies:

15
16 (A) The average rate of insured
17 unemployment under this act for the period consisting of
18 that week and the immediately preceding twelve (12) weeks
19 equaled or exceeded five percent (5%) and equaled or
20 exceeded one hundred twenty percent (120%) of the average
21 of the rates for the corresponding thirteen (13) week
22 period ending in each of the preceding two (2) calendar
23 years;

24

1 (B) The rate of insured unemployment under
2 this act for the period consisting of that week and the
3 twelve (12) weeks immediately preceding the week equaled or
4 exceeded six percent (6%), regardless of the rate of
5 insured unemployment in the two (2) previous years;

6
7 (C) The average rate of total unemployment
8 in this state, seasonally adjusted, as determined by the
9 United States secretary of labor, for the period consisting
10 of the most recent three (3) months for which data for all
11 states are published before the close of that week, equals
12 or exceeds six and five-tenths percent (6.5%);

13
14 (D) The average rate of total unemployment
15 in this state, seasonally adjusted, as determined by the
16 United States secretary of labor, for the three (3) month
17 period referred to in subparagraph (C) of this paragraph,
18 equals or exceeds one hundred ten percent (110%) of that
19 average rate of total unemployment for either or both of
20 the corresponding three (3) month periods ending in the two
21 (2) preceding calendar years.

22
23 (ii) A state "off" indicator exists for a week
24 if, for the period consisting of that week the immediately

1 preceding twelve (12) weeks, an "on" indicator does not
2 exist pursuant to paragraph (i) of this subsection.

3

4 (g) The total extended benefit amounts payable under
5 subsection (f) of this section to an eligible individual
6 with respect to the applicable benefit year shall be the
7 least of the following amounts:

8

9 (i) Fifty percent (50%) of the total amount of
10 regular benefits that were payable to the individual
11 pursuant to this section in the individual's benefit year;

12

13 (ii) Thirteen (13) times the individual's
14 average weekly benefit amount that was payable to the
15 individual pursuant to this section for a week of total
16 unemployment in the applicable benefit year;

17

18 (iii) Thirty-nine (39) times the individual's
19 average weekly benefit amount that was payable to the
20 individual pursuant to this section for a week of total
21 unemployment in the applicable benefit year.

22

23 (h) Effective with respect to a week beginning in a
24 high unemployment period, the total extended benefit amount

1 payable to an eligible individual with respect to the
2 applicable benefit year shall be the least of the following
3 amounts:

4
5 (i) Eighty percent (80%) of the total amount of
6 regular benefits that were payable to the individual
7 pursuant to this section in the individual's applicable
8 benefit year;

9
10 (ii) Twenty (20) times the individual's weekly
11 benefit amount that was payable to the individual pursuant
12 to this section for a week of total unemployment in the
13 applicable benefit year.

14
15 (j) For purposes of subsection (h) of this section,
16 "high unemployment period" means a period during which the
17 average rate of total unemployment in this state,
18 seasonally adjusted, as determined by the United States
19 secretary of labor, for the period consisting of the most
20 recent three (3) months for which data for all states are
21 published before the close of that week, equals or exceeds
22 eight percent (8%).

23

1 27-3-504. Separate employer's accounts; charging of
2 accounts; when accounts not charged.

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4 (e) Benefits shall not be charged to an employer's
5 account if:

6
7 (vii) The individual receiving benefits is
8 enrolled in or returning to an approved program pursuant to
9 W.S. 27-3-307;

10
11 (ix) The individual receiving benefits separated
12 for bona fide medical reasons involving the individual's
13 health;

14
15 (x) The individual receiving benefits qualified
16 for benefits under W.S. 27-3-311(a)(i)(C) based upon a
17 separation from employment that was for compelling family
18 reasons;

19
20 (xi) The individual receiving benefits qualified
21 for benefits under W.S. 27-3-311(a)(i)(D) due to the
22 transfer of the individual's spouse;

23

1 (xii) The individual is receiving training
2 extension benefits pursuant to W.S. 27-3-322.

3

4 **Section 3.**

5

6 (a) W.S. 27-3-314(d) created by this act is effective
7 immediately upon completion of all acts necessary for a
8 bill to become law as provided by Article 4, Section 8 of
9 the Wyoming Constitution.

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11 (b) Except as provided in subsection (a) of this
12 section, this act is effective July 1, 2011.

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(END)