

Development of State Laws Regarding Social Security Retirement Offsets From UC Benefits-2003 to 2007

State	Status of Social Security Offset- -Start of 2008	Status of Social Security Offset- - End of 2002	Year of Change	Amending Law
Alabama	No	No		
Alaska	No	No		
Arizona	No	45 Percent	2004	HB 2440
Arkansas	No	No		
California	No	No		
Colorado	50 Percent	50 Percent		
Connecticut	No	50 Percent	2004	P.A. 04-214
Delaware	No	No		
Dist. of Columbia	No	100 Percent	2005	D.C. Law 15-282
Florida	No	No		
Georgia	No	No		
Hawaii	No	50 Percent	2005	Act 106, L. 2005
Idaho	No	No		
Illinois	50 Percent	50 Percent		
Indiana	No	No		
Iowa	No	No		
Kansas	No	50 Percent	2003	HB 2332
Kentucky	No	No		
Louisiana	50 Percent	50 Percent		
Maine	No	50 Percent	2007	Public Law, Ch. 352
Maryland	No	No		
Massachusetts	No	50 Percent	2006	Chp. 123, Acts of 2006
Michigan	No	No		
Minnesota	No	50 Percent	2007	Ch. 128, Art. 1, Sec. 15
Mississippi	No	No		
Missouri	No	No		

State	Status of Social Security Offset- -Start of 2008	Status of Social Security Offset- - End of 2002	Year of Change	Amending Law
Montana	No	No		
Nebraska	No	50 Percent	2005	LB 245
Nevada	No	No		
New Hampshire	No	No		
New Jersey	No	No		
New Mexico	No	No		
New York	No	No		
North Carolina	No (RR Retirement Only)	No (RR Retirement Only)		
North Dakota	No	50 Percent	2005	HB 1202
Ohio	No	100 Percent	2007	SB 116
Oklahoma	No	No		
Oregon	No	No		
Pennsylvania	No	50 Percent	2005	HB 163
Puerto Rico	100 Percent	100 Percent		
Rhode Island	No	50 Percent	2007	Public Law 77
South Carolina	No	No		
South Dakota	50 Percent	50 Percent	2006	Ch. 269, L. 2006 (see notes below)
Tennessee	No	No		
Texas	No	No		
Utah	50 Percent	100 Percent	2004	Ch. 246, L. 2004 (HB 8)
Vermont	No	No		
Virginia	No	100 Percent	2003/2005	SB 128 (2005)
Virgin Islands	No	100 Percent	2007	Act No. 6934
Washington	No	No		
West Virginia	No	100 Percent	2005	Ch. 242, L. 2005
Wisconsin	No	No		
Wyoming	No	50 Percent	2003	Ch. 73, L. 2003(SF 14)
Totals	47 "No"/6 "Yes"	30 "No"/23 "Yes"	19 states	17 repeals, 1 reduction (UT), 1 pending (SD)

Prepared by: National Employment Law Project. See explanatory notes below for additional information.

Explanatory Notes: This table furnishes the status of Social Security retirement benefit offsets from unemployment insurance for each state. There are 53 unemployment compensation (UC) jurisdictions (all 50 states, District of Columbia, Puerto Rico, and Virgin Islands). In the first column to the right of the states' names, the status of state laws is summarized as of the start of calendar year 2008. "No" means that the state has no offset of Social Security retirement benefits against unemployment benefits, including five jurisdictions (Maine, Minnesota, Ohio, Rhode Island, and Virgin Islands) that amended their offset laws during 2007. These five states are now counted as "No" states in this table, as all these amendments take effect no later than the start of calendar year 2008. As shown by figures in the final row of this column in the table, there are now 47 jurisdictions without Social Security offsets. Six remaining states have Social Security offset laws that will remain on their books in 2008. In those remaining states with a Social Security offset, only one has a 100 percent offset (Puerto Rico). A 100 percent offset reduces unemployment insurance benefits by one dollar for every dollar of Social Security retirement benefits paid to a claimant. Typically, this results in a complete offset of unemployment benefits, resulting in a payment of zero. Five remaining states have a 50 percent offset in effect during 2008 (Colorado, Illinois, Louisiana, South Dakota, and Utah). In a 50 percent offset state, a claimant's unemployment benefit is reduced by 50 cents for every dollar of Social Security received. This often times reduces unemployment benefits to zero, or results in a reduction of benefits in other cases.

Column 3 lists the year a state passed offset reform legislation, in any, and the last column totals the 19 states taking action since the end of 2002. Of these, seventeen states have ended offsets in this period, South Dakota's 2006 repeal remains pending, and Utah has moved from a 100 percent offset to a 50 percent offset. For states that have changed their Social Security offset rules between 2002 and 2007 (17 repeals, (18 if South Dakota is counted) and 1 reduction from 100 percent to 50 percent), the far right column provides the bill or session law number.

Virginia cut its offset to zero in two steps during the period under review. The state initially passed a reduction to a 50 percent offset in 2003, and then in 2005 approved a reduction to zero when its trust fund meets a solvency test. The fund met that test for 2006 and it is projected to do so by the state agency for several years. The Virginia citation is to the 2005 amendment alone.

As noted, South Dakota has repealed its offset, but this repeal is not yet effective. This repeal will take effect permanently once a trust fund trigger of \$30 million is reached at the end of any calendar quarter. S.D. Code Sec. 61-6-20(3) as amended by Ch. 269, L. 2006. In this table, S.D. is still shown as having a 50 percent offset, as the \$30 million quarterly trigger has not yet been reached. As of July 31, 2007 the trust fund had \$22.3 million.

(Note: Some of these recent laws leave Railroad Retirement offsets in place. There is little reason for leaving the Railroad Retirement offset in place when fixing the larger number of Social Security offsets.)

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