

Appendix

Model State Legislation

“Preparing for Recession:
Strengthen the Unemployment Insurance System”

National Employment Law Project
Unemployment Insurance Safety Net Project

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Counting Recent Wages ("Alternative Base Period")

New Hampshire
CHAPTER 282-A, REVISED STATUTES, AS AMENDED

DEFINITIONS

Sec. 282-A:2. I. "Base period" means the first 4 of the last 5 completed calendar quarters immediately preceding the individual's benefit year except as provided in RSA 282 A:2, II.

II. "Alternate base period" means for benefit years effective on or after April 1, 2001 for any individual who does not have sufficient wages in the base period as defined in paragraph I to qualify for benefits pursuant to RSA 282-A:25, the individual's base period shall be the last 4 completed calendar quarters immediately preceding the first day of the individual's benefit year if such period qualifies the individual for benefits under RSA 282-A:25. The commissioner shall establish rules for obtaining wage information if wage information for the most recent quarter of the alternate base period is not available to the department from regular quarterly reports of wage information that is systematically accessible.

(a) Wages that fall within the base period of claims established under this paragraph are not available for reuse in qualifying for any subsequent benefit years.

(b) In the case of a combined-wage claim pursuant to the arrangement approved by the United States Secretary of Labor, the base period is that base period applicable under the unemployment compensation law of the paying state.

As amended by Ch. 87, L. 1998, effective April 1, 2001.

Part-Time Worker Provision

(Model Covering All Workers Seeking Part-Time Employment)

New Mexico

(I) No individual who is otherwise eligible, shall be deemed ineligible for benefits solely for the reason that the individual seeks, applies for or accepts only part-time work, instead of full-time work, if the part time work is for at least twenty hours per week.

N.M. STAT. ANN. § 51-1-42

(Lesser Option Limited to Workers with a History of Part-Time Employment)
California

CHAPTER 308, LAWS OF 1953
DIVISION 1.--UNEMPLOYMENT AND DISABILITY COMPENSATION
PART 1.--UNEMPLOYMENT COMPENSATION
CHAPTER 5.--UNEMPLOYMENT COMPENSATION BENEFITS
ARTICLE 1.--ELIGIBILITY AND DISQUALIFICATIONS

Sec. 1253.8. An unemployed individual shall not be disqualified for eligibility for unemployment compensation benefits solely on the basis that he or she is only available for part-time work. If an individual restricts his or her availability to part-time work, he or she may be considered to be able to work and available for work pursuant to subdivision (c) of Section 1253 if it is determined that all of the following conditions exist:

(a) The claim is based on the part-time employment.

(b) The claimant is actively seeking and is willing to accept work under essentially the same conditions as existed while the wage credits were accrued.

(c) The claimant imposes no other restrictions and is in a labor market in which a reasonable demand exists for the part-time services he or she offers.

As added by Ch. 728, L. 1975; amended by Ch. 313, L. 1982; Ch. 409, L. 2001.

Unemployment Benefits for Workers "Partially" Unemployed

Pennsylvania

ACT OF DECEMBER 5, 1036, P.L. (1937) 2897, No. 1 ARTICLE I--PRELIMINARY PROVISIONS

Sec. 4. (u) An individual shall be deemed unemployed (I) with respect to any week (i) during which he performs no services for which remuneration is paid or payable to him and (ii) with respect to which no remuneration is paid or payable to him, or (II) with respect to any week of less than his full-time work if the remuneration paid or payable to him with respect to such week is less than his weekly benefit rate plus his partial benefit credit.

Notwithstanding any other provisions of this act, an employee who is unemployed during a plant shutdown for vacation purposes shall not be deemed ineligible for compensation merely by reason of the fact that he or his collective bargaining agents agreed to the vacation.

No employee shall be deemed eligible for compensation during a plant shutdown for vacation who receives directly or indirectly any funds from the employer as vacation allowance.

Source: Act 1, L. 1936 (2d S.S.); Act 23, L. 1942; Act 312, L. 1943; Act 408, L. 1945; Act 408, L. 1951; Act 396, L. 1953; Act 5, L. 1955; Act 693, L. 1959; Act 570, L. 1961; Act 1, L. 1964.

ACT OF DECEMBER 5, 1036, P.L. (1937) 2897, No. 1 ARTICLE I--PRELIMINARY PROVISIONS

Sec. 4. (m.3) "Partial Benefit Credit" means that part of the remuneration, if any, paid or payable to an individual with respect to a week for which benefits are claimed under the provisions of this act which is not in excess of forty per centum (40%) [Note: **substitute higher percentage for states with lower UI benefits than Pennsylvania**] of the individual's weekly benefit rate, or six dollars [Note: **substitute 10-15 times the federal or state minimum wage**], whichever is the greater. Such partial benefit credit, if not a multiple of one dollar (\$1), shall be computed to the next higher multiple of one dollar (\$1).

Source: Act 693, L. 1959; Ch. 108, L. 1971.

Increasing the Amount of UI Benefits
(formula indexed to the average weekly wage with annual increases)

Washington

TITLE 50, 1983 REVISED CODE
CHAPTER 50.20.--BENEFITS AND CLAIMS

Sec. 50.20.120. (2) An individual's weekly benefit amount shall be an amount equal to one twenty-fifth **[Note: should be modified to one twenty-fourth in most states]** of the average quarterly wages of the individual's total wages during the two quarters of the individual's base year in which such total wages were highest. The maximum and minimum amounts payable weekly shall be determined as of each June 30th to apply to benefit years beginning in the twelve-month period immediately following such June 30th. The maximum amount payable weekly shall be seventy percent **[Note: could be modified to sixty-five percent in most states]** of the "average weekly wage" for the calendar year preceding such June 30th. The minimum amount payable weekly shall be fifteen percent of the "average weekly wage" for the calendar year preceding such June 30th. If any weekly benefit, maximum benefit, or minimum benefit amount computed herein is not a multiple of one dollar, it shall be reduced to the next lower multiple of one dollar.

Source: Ch. 162, L. 1937; Ch. 214, L. 1939; Ch. 253, L. 1941; Ch. 35, L. 1945; Ch. 214, L. 1949; Ch. 265, L. 1951; Ch. 209, L. 1955; Ch. 321, L. 1959; Ch. 2, L. 1970 (1st Extra Session); Ch. 33, L. 1977 (1st Extra Session); Ch. 74, L. 1980; Ch. 35, L. 1981; Ch. 26 (1st Ex. Sess.), L. 1983; Ch. 205, L. 1984; Ch. 483, L. 1993.

Extended Benefits (EB)

Expanding the Federal-State EB "Trigger" Formula

Massachusetts Bill

Section 30 of chapter 151A of the general laws is hereby amended by adding after the word "applicable" in line 16 the following words:-

provided that said individual receives at least the same number of weeks as the individual would have received under subsection (a).

Section 30A of chapter 151A of the general laws is hereby amended by deleting paragraph (d) of subsection (1) and inserting after line 11 the following paragraphs:-

(b) There is a "state 'on' indicator" for the commonwealth for a week if the rate of insured unemployment not seasonally adjusted under this chapter for the period consisting of such week and the immediately preceding twelve weeks:

- (1) equaled or exceeded one hundred and twenty percent of the average of such rates for the corresponding thirteen-week period ending in each of the preceding two calendar years, and
- (2) equaled or exceeded five percent; or
- (3) the rate of insured unemployment under this Act for the period consisting of such week and the immediately preceding twelve weeks equaled or exceeded six percent, regardless of the rate of insured unemployment in the two previous years; or
- (4) with respect to benefits for weeks of unemployment beginning after January 1, 2002

(i) the average rate of total unemployment (seasonally adjusted), as determined by the United States Secretary of Labor, for the period

consisting of the most recent three-months for which data for all states are published before the close of such week equals or exceeds six and a half percent, and

(ii) the average rate of total unemployment in the commonwealth (seasonally adjusted), as determined by the United States Secretary of Labor, for the three-months period referred to in clause (i), equals or exceeds one hundred and ten percent of such average for either or both of the corresponding three-months periods ending in the two preceding calendar years.

(c) There is a "state 'off' indicator" for the commonwealth for a week only if, for the period consisting of such week and the immediately preceding twelve weeks, none of the options specified in paragraph (b) result in a "state 'on' indicator".

Section 30A of chapter 151A of the general laws is further amended by deleting paragraph (5) and inserting after line 173 the following:-

(5) The total extended benefit amount payable to any eligible individual with respect to the applicable benefit year shall be the least of the following amounts:

(a) fifty percent of the total amount of regular benefits, including dependency benefits, allowances which were payable to the individual under this chapter in the individual's applicable benefit year;

(b) thirteen times the individual's average weekly benefit amount, including dependency benefits, which was payable to an individual under this chapter for a week of total unemployment in the applicable benefit year; or

(c) thirty-nine times the individual's average weekly benefit amount, including dependency benefits, which was payable to such individual under this chapter for a week of total unemployment in the applicable benefit year, reduced by the total amount of regular benefits which were paid, or deemed paid, to such individual under this chapter with respect to the benefit year provided, that the amount determined under this subsection

shall be reduced by the total amount of additional benefits paid, or deemed paid, to the individual under the provisions of section 30 of this chapter for weeks of un-employment in the individual's benefit year which began prior to the effective date of the extended benefit period which is current in the week for which the individual first claims extended benefits; and provided further, if the benefit year of any individual ends within an extended benefit period, the remaining balance of the extended benefits that such individual would, but for this paragraph, be entitled to receive in that extended benefit period, with respect to weeks of unemployment beginning after the end of the benefit year, shall be reduced, but not below zero, by the product of the number of weeks for which the individual received any amounts as readjustment allowances under the Trade Act of 1974 within that benefit year, multiplied by the individual weekly benefit amount for extended benefits.

(d) Effective with respect to weeks beginning in a high unemployment period, paragraph (5) shall be applied by substituting

(i) "eighty percent" for "fifty percent" in subparagraph (a),

(ii) "twenty" for "thirteen" in subparagraph (b), and

(iii) "forty-six" for "thirty-nine" in subparagraph (c).

(e) For purposes of subparagraph (a), the term "high unemployment period" means any period during which an extended benefit period would be in effect if subsection (b)(4) were applied by substituting "eight percent" for "six and a half percent".

Section 30A of the general laws is further amended by deleting paragraph (6) and inserting the following:-

(6) Any benefit paid to an individual under the provisions of this section shall not be charged to the employer's account but shall be charged to the solvency account.

Expanded UI Benefits While in State Training

Washington

TITLE 50, 1983 REVISED CODE CHAPTER 50.22--EXTENDED BENEFITS

Sec. 50.22.130. It is the intent of the legislature that a training benefits program be established to provide unemployment insurance benefits to unemployed individuals who participate in training programs necessary for their reemployment. The legislature further intends that this program serve the following goals:

- (1) Retraining should be available for those unemployed individuals whose skills are no longer in demand;
- (2) To be eligible for retraining, an individual must have a long- term attachment to the labor force;
- (3) Training must enhance the individual's marketable skills and earning power; and
- (4) Retraining must be targeted to those industries or skills that are in high demand within the labor market.

Individuals unemployed as a result of structural changes in the economy and technological advances rendering their skills obsolete must receive the highest priority for participation in this program. It is the further intent of the legislature that individuals for whom suitable employment is available are not eligible for additional benefits while participating in training.

The legislature further intends that funding for this program be limited by a specified maximum amount each fiscal year.

Source: Ch. 2, L. 2000.

TITLE 50, 1983 REVISED CODE CHAPTER 50.22--EXTENDED BENEFITS

Sec. 50.22.140. The employment security department is authorized to pay training benefits under RCW 150.22.150, but may not obligate expenditures beyond the limits specified in this section or as otherwise set by the legislature. For the fiscal year ending June 30, 2000, the commissioner may not obligate more than twenty million dollars for training benefits. For the two fiscal years ending June 30, 2002, the commissioner may not obligate more than sixty million dollars for training benefits. Any funds not obligated in one fiscal year may be carried forward to the next fiscal year. For each fiscal year beginning after June 30, 2002, the commissioner may not obligate more than twenty million dollars annually in addition to any funds carried over from

previous fiscal years. The department shall develop a process to ensure that expenditures do not exceed available funds and to prioritize access to funds when again available.

Source: Ch. 2, L. 2000; As amended by Ch. 1, L. 2000.

TITLE 50, 1983 REVISED CODE
CHAPTER 50.22--EXTENDED BENEFITS

Sec. 50.22.150. (1) Subject to availability of funds, training benefits are available for an individual who is eligible for or has exhausted entitlement to unemployment compensation benefits and who:

(a) Is a dislocated worker as defined in RCW 50.04.075;

(b) Except as provided under subsection (2) of this section, has demonstrated, through a work history, sufficient tenure in an occupation or in work with a particular skill set. This screening will take place during the assessment process;

(c) Is, after assessment of demand for the individual's occupation or skills in the individual's labor market, determined to need job- related training to find suitable employment in his or her labor market. Beginning July 1, 2001, the assessment of demand for the individual's occupation or skill sets must be substantially based on declining occupation or skill sets identified in local labor market areas by the local work force development councils, in cooperation with the employment security department and its labor market information division, under subsection (9) of this section;

(d) Develops an individual training program that is submitted to the commissioner for approval within sixty days after the individual is notified by the employment security department of the requirements of this section;

(e) Enters the approved training program by ninety days after the date of the notification, unless the employment security department determines that the training is not available during the ninety-day period, in which case the individual enters training as soon as it is available; and

(f) Is enrolled in training approved under this section on a full-time basis as determined by the educational institution, and is making satisfactory progress in the training as certified by the educational institution.

(2) Until June 30, 2002, the following individuals who meet the requirements of subsection (1) of this section may, without regard to the tenure requirements under subsection (1)(b) of this section, receive training benefits as provided in this section:

(a) An exhaustee who has base year employment in the aerospace industry assigned the standard industrial classification code "372" or the North American industry classification system code "336411";

(b) An exhaustee who has base year employment in the forest products industry, determined by the department, but including the industries assigned the major group standard industrial classification codes "24" and "26" or any equivalent codes in the North American industry classification system code, and the industries involved in the harvesting and management of logs, transportation of logs and wood products, processing of wood products, and the manufacturing and distribution of wood processing and logging equipment; or

(c) An exhaustee who has base year employment in the fishing industry assigned the standard industrial classification code "0912" or any equivalent codes in the North American industry classification system code.

(3) An individual is not eligible for training benefits under this section if he or she:

(a) Is a standby claimant who expects recall to his or her regular employer;

(b) Has a definite recall date that is within six months of the date he or she is laid off; or

(c) Is unemployed due to a regular seasonal layoff which demonstrates a pattern of unemployment consistent with the provisions of RCW 50.20.015. Regular seasonal layoff does not include layoff due to permanent structural downsizing or structural changes in the individual's labor market.

(4) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Educational institution" means an institution of higher education as defined in RCW 28B.10.016 or an educational institution as defined in RCW 28C.04.410, including equivalent educational institutions in other states.

(b) "Sufficient tenure" means earning a plurality of wages in a particular occupation or using a particular skill set during the base year and at least two of the four twelve-month periods immediately preceding the base year.

(c) "Training benefits" means additional benefits paid under this section.

(d) "Training program" means:

(i) An education program determined to be necessary as a prerequisite to vocational training after counseling at the educational institution in which the individual enrolls under his or her approved training program; or

(ii) A vocational training program at an educational institution:

(A) That is targeted to training for a high demand occupation. Beginning July 1, 2001, the assessment of high demand occupations authorized for training under this section must be substantially based on labor market and employment information developed by local work force

development councils, in cooperation with the employment security department and its labor market information division, under subsection (9) of this section;

(B) That is likely to enhance the individual's marketable skills and earning power; and

(C) That meets the criteria for performance developed by the work force training and education coordinating board for the purpose of determining those training programs eligible for funding under Title I of P.L. 105-220.

"Training program" does not include any course of education primarily intended to meet the requirements of a baccalaureate or higher degree, unless the training meets specific requirements for certification, licensing, or for specific skills necessary for the occupation.

(5) Benefits shall be paid as follows:

(a)(i) For exhaustees who are eligible under subsection (1) of this section, the total training benefit amount shall be fifty-two times the individual's weekly benefit amount, reduced by the total amount of regular benefits and extended benefits paid, or deemed paid, with respect to the benefit year; or

(ii) For exhaustees who are eligible under subsection (2) of this section, the total training benefit amount shall be seventy-four times the individual's weekly benefit amount, reduced by the total amount of regular benefits and extended benefits paid, or deemed paid, with respect to the benefit year. Beginning with new claims filed after June 30, 2002, for exhaustees eligible under subsection (2) of this section, the total training benefit amount shall be fifty-two times the individual's weekly benefit amount, reduced by the total amount of regular benefits and extended benefits paid, or deemed paid, with respect to the benefit year.

(b) The weekly benefit amount shall be the same as the regular weekly amount payable during the applicable benefit year and shall be paid under the same terms and conditions as regular benefits. The training benefits shall be paid before any extended benefits but not before any similar federally funded program.

(c) Training benefits are not payable for weeks more than two years beyond the end of the benefit year of the regular claim.

(6) The requirement under RCW 50.22.010(10) relating to exhausting regular benefits does not apply to an individual otherwise eligible for training benefits under this section when the individual's benefit year ends before his or her training benefits are exhausted and the individual is eligible for a new benefit year. These individuals will have the option of remaining on the original claim or filing a new claim.

(7) Individuals who receive training benefits under this section or under any previous additional benefits program for training are not eligible for training benefits under this section for five years from the last receipt of training benefits under this section or under any previous additional benefits program for training.

(8) All base year employers are interested parties to the approval of training and the granting of training benefits.

(9) By July 1, 2001, each local work force development council, in cooperation with the employment security department and its labor market information division, must identify occupations and skill sets that are declining and occupations and skill sets that are in high demand. For the purposes of sections 6 through 9 of this act, "high demand" means demand for employment that exceeds the supply of qualified workers for occupations or skill sets in a labor market area. Local work force development councils must use state and locally developed labor market information. Thereafter, each local work force development council shall update this information annually or more frequently if needed.

(10) The commissioner shall adopt rules as necessary to implement this section.

Source: Ch. 2, L. 2000.

Eliminating & Modifying the "Waiting Week"

Connecticut

(Waiting Period Eliminated)

The waiting period requirement formerly contained in the Act was repealed by P.A. 790, L. 1967, effective July 1, 1967. Prior to this date, to be eligible for benefits, an individual had to have been totally or partially unemployed during the current benefit year for one week, called a waiting period week, with respect to which no benefits were received but during which there was benefit eligibility in all other respects.

Tennessee

(Waiting Period Modified)

TITLE 50, CHAPTER 7, TENNESSEE CODE ANNOTATED PART 3--BENEFITS

Sec. 50-7-302. (a)(5) He has been unemployed for a waiting period of one (1) week. (For the purpose of this subsection, one (1) week of part total or partial unemployment or other forms of short time work shall be deemed one (1) week of unemployment.) No week shall be counted as a week of unemployment for the purposes of this subsection, unless:

(A) It occurs within the benefit year which includes the week with respect to which he claims payment of benefits;

(B) No benefits have been paid in respect thereof; and

(C) The claimant was eligible for benefits with respect thereto as provided in §50-7-303 and this section, except for the requirements of this subsection;

(D) Benefits shall be payable to a claimant for the waiting period provided such claimant has made a claim for benefits and is determined to be eligible and certified for benefits in the waiting period and in each of the three (3) consecutive weeks immediately following such waiting period.

As amended by Ch. 368, L. 1983; Ch. 701, L. 1984; Chs. 318 and 323, L. 1985; Ch. 194, L. 1993; Ch. 502, L. 1995; Ch. 202, L. 1999; Ch. 888, L. 2000.

Work Sharing/ Short-Time Compensation

Maryland

ARTICLE 95A, TITLE 8, 1991 SUBTITLE 12--WORK SHARING

Sec. 8-1201. (a) In general.

In this subtitle the following words have the meanings indicated.

(b) Affected employee.

"Affected employee" means an individual who has been continuously on the payroll of an affected unit for at least 3 months immediately before the employing unit submits a work sharing plan.

(c) Affected unit.

"Affected unit" means a specific plant, department, shift, or other definable unit of an employing unit:

- (1) That has at least 2 employees; and
- (2) To which an approved work sharing plan applies.

(d) Approved work sharing plan.

"Approved work sharing plan" means a plan that satisfies the purpose under §8-1202 of this subtitle and receives the approval of the secretary.

(e) Employer association.

"Employer association" means:

- (1) An association that is a party to a collective bargaining agreement under which it may negotiate a work sharing plan; or
- (2) An association authorized by all of its members to become a party to a work sharing plan.

(f) "Normal weekly work hours" means the lesser or:

- (1) The number of hours in a week that an employee usually works for the regular employing unit; or
- (2) 40 hours.

(g) Work Sharing Plan.

"Work Sharing Plan" means a plan of an employing unit or employer association under which:

- (1) Normal weekly work hours of affected employees are reduced; and
- (2) Affected employees share the work that remains after the reduction.

(h) Work Sharing Benefit.

(1) "Work Sharing Benefit" means benefits payable to an affected employee for work performed under an approved work sharing plan.

(2) "Work Sharing Benefit" includes benefits payable to a federal civilian employee or former service member under Title 5, Chapter 85 of the United States Code.

(3) "Work Sharing Benefit" does not include benefits that are otherwise payable under this title.

(i) Work Sharing Employer.

"Work Sharing Employer" means an employing unit or employer association for which a work sharing plan has been approved.

Sec. 8-1202. The work sharing unemployment insurance program seeks to:

(1) Preserve the jobs of employees and the work force of an employer during lowered economic activity by reduction in work hours or workdays rather than by a layoff of some employees while other employees continue their normal weekly work hours or workdays; and

(2) Ameliorate the adverse effect of reduction in business activity by providing benefits for the part of the normal weekly work hours or workdays in which an employee does not work.

Sec. 8-1203. (a) Submittal to Secretary.

An employing unit or employer association that wishes to participate in the work sharing unemployment insurance program shall submit to the Secretary a written Work Sharing Plan that the employing unit or representative of the employer association has signed.

(b) Time for Response.

Within 15 days after receipt of a Work Sharing Plan, the Secretary shall give written approval or disapproval of the plan.

(c) Resubmittal on Disapproval.

(1) When the Secretary disapproves a Work Sharing Plan, the decision is final and may not be appealed.

(2) After 15 days after the Secretary disapproves a Work Sharing Plan, the employing unit or employer association may submit a new Work Sharing Plan.

Sec. 8-1204. The Secretary shall approve a work sharing plan that meets the following requirements:

(1) The work sharing plan shall apply to:

(i) At least 10% of the employees in the affected unit; or

(ii) At least 20 employees in an affected unit in which the Work Sharing Plan applies equally to all affected employees.

(2) The normal weekly work hours of affected employees in the affected unit shall be reduced by at least 10% but, unless waived by the Secretary, the reduction may not exceed 50%.

(3) A Work Sharing Plan shall:

(i) Identify the affected unit;

(ii) Identify each employee in the affected unit by name, social security number, and any other information that the Secretary requires;

(iii) Specify an expiration date that is not more than 6 months after the effective date of the Work Sharing Plan;

(iv) Specify the effect that work sharing will have on the fringe benefits of each employee in the affected unit including:

1. Health insurance for hospital, medical, dental, and similar services;

2. Retirement benefits under benefit pension plans as defined in §3(35) of the Federal Employee Retirement Income Security Act of 1974;

3. Holiday and vacation pay;

4. Sick leave; and

5. Similar advantages;

(v) Certify that:

1. Each affected employee has been continuously on the payroll of the employing unit for 3 months immediately before the date on which the employing unit or employer association submits the Work Sharing Plan; and

2. The total reduction in normal weekly work hours is instead of layoffs that would have affected at least the number of employees specified in item (1) of this section and that would have resulted in an equivalent reduction in work hours; and

(vi) Contain the written approval of:

1. The collective bargaining agent for each collective bargaining agreement that covers any affected employee in the affected unit; or

2. If there is no agent, a representative of the employees or employee association in the affected unit.

(4) If a Work Sharing Plan serves the work sharing employer as a transitional step to permanent staff reduction, the Work Sharing Plan shall contain a reemployment assistance plan for each affected employee that the work sharing employer develops with the Secretary.

(5) The work sharing employer shall agree to:

(i) Submit to the Secretary reports that are necessary to administer the Work Sharing Plan; and

(ii) Allow the department to have access to all records necessary:

1. to verify the Work Sharing Plan before its approval; and

2. to monitor and evaluate the application of the Work Sharing Plan after its approval.

(6) A Work Sharing Plan may not subsidize an employing unit that traditionally has used employees who work less than 30 hours a week.

Sec. 8-1205. (a) Allowed.

An approved Work Sharing Plan may be modified if the modification meets the requirements for approval under §8-1204 of this Subtitle and the Secretary approves the modification.

(b) Additional employees.

An employing unit may add an employee to a Work Sharing Plan under this section when the employee has been continuously on the payroll for 3 months.

(c) Limitation.

An approved modification of a Work Sharing Plan may not change its expiration date.

Sec. 8-1206. (a) Determination by Secretary.

An affected employee is eligible under §8-1207 of this subtitle to receive work sharing benefits for each week in which the Secretary determines that the affected employee:

(1) is able to work; and

(2) is available for more hours of work or full-time work for the work sharing employer.

(b) Activities not required.

(1) An affected employee who otherwise is eligible may not be denied work sharing benefits for failure to actively seek work under §8-903(a)(1)(iii) of this title from a person other than the work sharing employer.

(2) An affected employee may not be disqualified under §8-1005 of this title for refusal to apply for or accept suitable work from a person other than the work sharing employer.

(c) Unemployment Status.

An affected employee who is otherwise eligible for benefits:

(1) Is considered to be unemployed for the purpose of the work sharing unemployment insurance program; and

(2) Is not subject to the requirement under §8-801 of this title that an individual be unemployed.

(d) Claims and Payment.

Unless the result would be inconsistent with this Subtitle, the provisions of this title that apply to a claim for and payment of other benefits apply to a claim for and payment of work sharing benefits.

Sec. 8-1207. (a) In general.

Work sharing benefits shall be determined in accordance with this section.

(b) Computation of work sharing benefit.

(1) to compute work sharing benefits:

(i) The weekly benefit amount of an affected employee under §8-803 of this title shall be multiplied by the percentage of reduction in the employee's normal weekly work hours under the approved work sharing plan; and

(ii) The hours for which an affected employee receives holiday or vacation pay shall be counted as hours worked.

(2) The product obtained under paragraph (1)(i) of this subsection shall be rounded to the next lower dollar.

(c) Limit on benefits.

(1) An affected employee is eligible to receive not more than 26 weeks of work sharing benefits during each benefit year.

(2) The total amount of benefits payable under subtitle 8 of this title and work sharing benefits payable under this section may not exceed the total for the benefit year under §8-808(c) of this title.

(d) Allowance for dependents.

An allowance for a dependent is payable to an affected employee in accordance with §8-804 of this title.

(e) Effect of part unemployment.

An affected employee who receives a work sharing benefit is not subject to the limitation on benefits for partial unemployment under §8-803(d) of this title.

(f) Nonwork weeks.

During a week in which an individual who otherwise is eligible for benefits does not work for the work sharing employer:

(1) The individual shall be paid benefits in accordance with subtitle 8 of this title; and

(2) The week does not count as a week for which a work sharing benefit is received.

(g) Reduced work sharing benefit.

(1) During a week in which an employee earns wages under an approved work sharing plan and other wages, the work sharing benefit shall be reduced by the same percentage that the combined wages are of wages for normal weekly work hours if the other wages:

(i) Exceed the wages earned under the approved work sharing plan; and

(ii) Do not exceed 90% of the wages the individual earns for normal weekly work hours.

(2) The computation under paragraph (1) of this subsection applies regardless of whether the employee earned the other wage from the work sharing employer or another employer.

(h) Other benefits.

While an affected employee applies for or receives work sharing benefits, the affected employee is not eligible for:

- (1) Extended benefits;
- (2) Supplemental federal unemployment compensation; or
- (3) Benefits under any other federal or state program.

Sec. 8-1208. The secretary may revoke approval of an approved work sharing plan for good cause, including:

- (1) Conduct or an occurrence that tends to defeat the intent and effective operation of the approved work sharing plan;
- (2) Failure to comply with an assurance in the approved work sharing plan;
- (3) Unreasonable revision of a productivity standard of the affected unit; and
- (4) Violation of a criterion on which the secretary based approval of the approved work sharing plan.

Buyout Packages

Illinois' Rule § 2840.125

- (a) an individual who accepts his employer's offer of an early retirement or employment buyout package and leaves work according to the terms and conditions of the offer is ineligible . . . unless, at the time the offer is accepted:
 - (1) the individual knows or reasonably believes that, within the proximate future, his employment will be terminated by the employer under terms and conditions substantially less favorable than the terms and conditions of the offer, or
 - (2) the individual knows or reasonably believes that his employment will continue, in the proximate future, but under terms and conditions substantially less favorable than the terms and conditions of the employment immediately prior to the offer, or
 - (3) the individual knows that a layoff will follow if a sufficient number of employees do not accept the offer of an early retirement or employment buyout package and the individual accepts the offer to avoid the layoff of another employee.

INDEXING THE TAXABLE WAGE BASE

IDAHO

(1) All remuneration for personal services as defined in section 72-1328, Idaho Code, equal to the average annual wage in covered employment for the penultimate calendar year, rounded to the nearest multiple of one hundred dollars (\$100), or the amount of taxable wage base specified in the federal unemployment tax act, whichever is higher, shall be the taxable wage for purposes of this chapter.

Idaho Code 1947, § 72 -1350.