

## Implementing the Model Provisions of the Unemployment Insurance Modernization Act in the States

By

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Over the past decade, more than half the states have adopted major reforms to modernize their unemployment insurance programs, thus helping to fill the gaps in the system that deny benefits to large numbers of deserving workers. The Unemployment Insurance Modernization Act (UIMA) takes these model reforms and provides the states with \$7 billion in incentive funding to expand them nationwide. Of special significance, the UIMA provides funding for reforms that help those groups who fall through the cracks of the program, including low-wage workers, women, part-time workers, and the long-term unemployed.

The UIMA is a key component of the American Recovery and Reinvestment Act, which was signed into law by President Obama on February 17, 2009. Together with the other economic recovery measures that make up this critical federal initiative, the UIMA is well-timed to help the states as their legislative sessions take shape and they take on the difficult task of putting in place new measures to respond to the devastating realities of today's recession. Expanding the unemployment safety net will go a long way to provide the immediate relief workers need to pay their bills and navigate today's challenging labor market, while also boosting the economy in those communities hardest hit by the recession.

What follows is a summary of the key reforms that qualify for incentive funding under the UIMA and model state legislation to help policy makers in the states as they introduce bills in preparation for their legislative sessions. By immediately filing bills featuring the model provisions of the UIMA, the states are also in a unique position to demonstrate their strong support for the UIMA and therefore help ensure its timely passage.

The UIMA is structured to reward states that adopt those reforms that have proven most effective at helping those workers who have fallen through the cracks of the unemployment program to collect benefits, starting with low-wage workers. Low-wage workers are twice as likely to find themselves unemployed, but they are one-third as likely to collect unemployment benefits. Thus, to qualify for incentive funding under the UIMA, states must first adopt a policy described below called the "alternative base period," the single most effective state reform that helps low-wage workers qualify for unemployment benefits. A state qualifies for one-third of its UIMA funding when it adopts the alternative base period. Without the alternative base period, the state cannot qualify for additional UIMA incentive funding.

To qualify for the remaining two-thirds of the UIMA incentive funding, the states have the option of adopting two additional provisions from a list of proven reforms that help part-time workers, women and the long-term unemployed better access unemployment benefits. Specifically, states have the option of providing workers benefits in the following four situations: 1) part-time workers who are denied benefits because they are required to seek full-time work; 2) individuals who leave work for compelling family reasons, including domestic violence and other specific situations; 3) permanently laid-off workers who require extra unemployment benefits to participate in training; and 4) increased unemployment benefits for workers who care for dependent family members.

What follows is a summary of the specific UI reforms that qualify for UIMA incentive funding and the model state legislation to implement these reforms. In addition, this paper includes several helpful facts and figures tailored to each state. Table 1 provides individual state breakdowns of the state law provisions that qualify for UIMA funding to identify those additional reforms necessary for the state to access the UIMA incentive funds. Table 2 provides the amount of UIMA incentive funding available to each state. Table 3 provides state estimates of the costs of specific reforms and the number of workers who benefit from the policies. Table 4 provides state breakdowns showing the number of years of benefits paid for by the incentive funding provided by the UIMA.

More information on the UIMA is available on-line from NELP at [www.nelp.org](http://www.nelp.org), along with contact information for NELP's expert staff who are available to help state policy makers as they consider reforms to implement the UIMA. The requirements for UIMA funding will be further defined by the Secretary of Labor, and NELP will continue to update this fact sheet as these additional specifics are released.

## I. Alternative Base Period

- **What is the “alternative base period”?**

In measuring whether a worker has sufficient recent attachment to the workforce to qualify for UI, states look at a worker's earnings during a past four-quarter “base period.” A majority of states do not count a worker's most recent earnings towards unemployment insurance eligibility. Many low-wage workers and others are thus denied benefits even though they actually have earned enough to qualify. The alternative base period (ABP) allows workers who fail the typical base period test to count more recent earnings on their claim for benefits. Adopted in 20 states, the ABP substantially helps low-wage workers receive UI benefits at the time they need them most – when they become unemployed – at a modest cost to states.

- **Key arguments in support of the alternative base period:**

**1. The traditional base period year limits access to UI by not considering all recent work experience.** A base period is typically four calendar quarters. Most states define their base periods as the first four of the last five completed calendar quarters. In other words, workers filing UI claims cannot use wages earned in the current quarter (the “filing quarter”) or the most recently completed quarter (the “lag quarter”).

**2. The traditional base year is a key reason why low-wage workers receive state benefits at half the rate of higher wage workers.** The exclusion of recent earnings makes it difficult for low-wage workers to have sufficient earnings on their application to meet the minimum required to qualify. Low-wage workers make up nearly about six in ten of those who need the ABP to qualify for UI benefits. High and moderate wage workers (like construction workers) with uneven earnings are also disqualified when the traditional base period is the only qualification option.

**3. ABP simply shifts the timing of the base period year for those who otherwise have a sufficient wage history to qualify for benefits.** Some workers don't have sufficient earnings in their traditional base period to qualify. The alternative base period year allows those workers who miss the regular earnings requirements to use wages from their lag quarter (and in some states the filing quarter). The ABP simply allows workers to use earnings from a more recent period to be considered so they can get benefits sooner – when they become unemployed. These workers have sufficient earnings to qualify for UI, but might need to wait for up to six months before the earnings can be counted. Denying UI to employed workers under the traditional base period test undermines the goal of unemployment insurance, which is to provide temporary income support to workers *when* they lose their jobs.

**4. In many states, the most important way to increase low-wage worker access to unemployment benefits is to pass the ABP.** Measuring earnings using an ABP expands UI coverage to low-wage or part-time workers. The average hourly wage of workers who qualify for UI benefits using a standard base period is \$13.08; for those who qualify using the ABP, it is \$9.58. In Georgia, more than half of ABP recipients earned less than \$9.00/hour in their prior jobs. In its first year of implementation, 53 percent of all ABP recipients in Virginia were African-American, even though they made up only 38 percent of the state's total unemployed population. Seasonal workers, such as those in the building trades, also benefit from ABPs, because these workers often earn wages in concentrated periods.

- **How does the alternative base period help low-wage workers receive unemployment benefits?**

Here is how the ABP helps provide UI benefits to workers who have sufficient earnings to qualify only if more recent earnings are considered:

Consider a worker who loses a job and files for UI in April. Under a traditional base period approach, only earnings from January through December of the prior year are considered and the five months of earnings in the current calendar year (from January through April) are not counted at this time. If the worker remains unemployed and some months pass, eventually the more recent earnings would be considered and the worker could receive UI based on these earnings, but benefits are denied at the time the worker needs them most.

Under an Alternative Base Period, if a worker cannot qualify under the traditional measure, the more recent earnings can be considered. Typically, the last completed quarter (lag quarter) is considered although some states also consider earnings from the current quarter (filing quarter). When the earnings from January, February and March (lag quarter in this example) are considered, a worker who has sufficient earnings to qualify can receive benefits right away.

Traditional Base Period

First Quarter	Second Quarter	Third Quarter	Fourth Quarter	Completed Lag Quarter	Time of Layoff - Filing Quarter
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Lag Quarter Alternative Base Period

First Quarter	Second Quarter	Third Quarter	Fourth Quarter	Completed Lag Quarter	Time of Layoff - Filing Quarter
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Filing Quarter Alternative Base Period

First Quarter	Second Quarter	Third Quarter	Fourth Quarter	Completed Lag Quarter	Time of Layoff - Filing Quarter
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- **Responding the opponents' arguments.**

**1. Opponents Argue:** Adopting the ABP would deplete our state's trust fund.

**Response:** Low-wage workers qualifying for the ABP get relatively small UI checks. ABP claims represent from 2.1 to 6.5 percent of eligible claims in states that have implemented the change, but only 1.1 to 5.2 percent of monetary payouts. In addition, the cost estimates do not take into account that a fair proportion of newly-included recipients would have remained unemployed and filed valid UI claims at a later date (up to 40 percent according to one state's study).

**2. Opponents Argue:** The ABP is too expensive and difficult to administer.

**Response:** ABP implementation requires one-time changes to computer systems and training of personnel, but those costs can be minimized by using internal staff for the modest changes needed. In states that have implemented the ABP, programming has taken about 1,000 work hours plus a one-half day training, with programming costs as low as \$64,000. Less than half of lag quarter ABP claims require wage data beyond the state's regular records.

To keep costs low, most states only allow wages from the completed lag quarter, with annual costs running at only half a million dollars per year. Employers sometimes raise concerns about the additional paper work required for ABP administration. While such paperwork may be required, the burden presented by the volume of ABP claims is not substantial. Indeed, that's the experience of the large number of states that have now implemented the ABP.

**3. Opponents Argue:** Workers who qualify for unemployment benefits with the help of the ABP are not sufficiently attached to the labor market.

**Response:** ABP claimants must meet the same earnings requirements used to establish labor force attachment (such as the requirement of having total base period earnings that are 1.5 times the high quarter) as other claimants. ABP does not lessen the amount of work history required; it just changes the period that is examined for work history. ABP allows those workers with sufficient labor force attachment to receive UI benefits to support their families at the time they need the help the most.

- **How many states have adopted the ABP?**

Twenty states plus the District of Columbia now use an alternative base period, although two states (Oklahoma and Minnesota) do not qualify for UIMA funding because of special restrictions placed on the ABP in their states (Table 1).

## **II. Part-Timer Worker Eligibility**

- **What is it the rule limiting unemployment benefits for part-time workers?**

Part-time employees, most often women and low-wage workers, are the victims of outdated UI eligibility rules. Many states exclude part-time workers from UI benefits by requiring them to look for full-time work in order to receive UI. The result is that many part-time workers are excluded from UI even though their wages were subject to UI payroll taxes and their earnings prior to layoff meet state monetary eligibility rules. A growing number of states (23 to date) have adopted policies that provide UI benefits to many unemployed part-time workers in their state.

- **Key arguments in favor providing unemployment benefits to part-time workers.**

**1. Part-time workers are an important part of the labor force and the economy.** One in six American workers is employed part time. Part-timers work for substantial lengths of time – an average of 36 weeks a year, compared with 48 weeks for full-time workers. The average prime age (25-44) part-time worker works 23 hours per week, the equivalent of three full days. Part-time workers also represent a large share of the unemployed—with roughly one in six of all unemployed workers reporting they are looking for part-time work.

**2. Part-time workers and their employers contribute to the UI system. These workers should be protected when laid off.** UI is paid for directly by employers and indirectly by workers, as a tax on some or all of a worker's wages. In almost half the states, even a part-time worker who has contributed to the system for twenty years cannot receive UI unless s/he is willing to switch to full-time work.

**3. Equality for workers who pay into the unemployment system.** Adult part-time workers are 59 percent less likely to receive UI than full-time workers. And while women represent 44 percent of the full-time workforce, they account for 70 percent of all part-time workers. About one in three women works part-time. Thus, adopting policies that allow part-time workers to participate in unemployment insurance is an important step towards expanding access to UI benefits for women and low-wage workers.

- **Responding to the opponents' arguments.**

**1. Opponents Argue:** It is too expensive to pay UI benefits to part-time workers.

**Response:** The duration and weekly amount of unemployment insurance benefits a worker can receive are determined by the amount of a worker's past wages. Because part-time workers have

worked less and earned less, the cost of extending UI eligibility to these workers is relatively low. For the most part, weekly UI benefits will be lower for unemployed part-time workers than for other workers. In addition, part-time workers tend to remain unemployed for shorter periods of time than full-time workers so the duration of benefits is less than for other workers. Thus, the cost of parity for part-time workers is a tiny portion of overall UI costs. For example, an analysis of Georgia data led to an estimate that expanding UI eligibility for part-time workers in that state would cost less than *one-third of one percent* of total UI benefits (\$2.5 million out of a total of \$780 million).

- **How many states provide unemployment benefits to part-time workers?**

Twenty states provide unemployment benefits to part-time workers under the provisions of the UIMA. Some additional states provide benefits to part-time workers, but with serious restrictions that do not qualify for incentive funding under the UIMA.

### **III. Extended Unemployment Benefits While in Training**

- **What is the policy of the states that provide extra unemployment benefits for workers in training?**

About half a dozen states extend UI benefits to jobless workers in approved training, with specific requirements differing from state to state. State UI extensions provide these workers with income support beyond the normal duration of state UI benefits. Since these extensions are paid under state laws, states have considerable leeway in targeting specific sectors or occupations for this type of subsidized retraining.

State extensions for retraining – known as “additional benefits” – serve important needs in states that use them. Generally, states require that jobless workers have lost work in a declining industry or occupation in order to qualify. States furnish extensions where retraining is necessary for the claimant to find a full-time job in another sector, one in which there are labor shortages or growing numbers of jobs. Workers who are approved for training are permitted to attend the training rather than searching for new work. Benefits extensions for workers in training are paid from state UI trust funds to workers who qualify for UI, and, in most cases, these benefits are not charged directly to former employers.

- **Key argument in favor of providing extra unemployment benefits to workers in training.**

**Income support from benefit extensions is vital for workers needing substantial retraining.** Most jobless workers cannot attend training full time without some form of income support. Benefit extensions make it possible for jobless individuals to complete training that lasts longer than the normal duration of state UI benefits (typically no more than 26 weeks). Additional benefits give working families essential help in completing meaningful retraining and avoiding future layoffs from declining industries.

- **Responding to the opponents' arguments.**

**Opponents Argue:** State benefit extensions deplete trust funds and raise costs.

**Response:** While paying benefit extensions to jobless workers in retraining programs results in additional costs to state UI programs, these costs are offset in part by reductions in future layoffs (and reductions in UI claims) that result from shifting jobless workers into fields with lower unemployment. In addition, effective training raises wages and boosts a state's economy, and this lowers UI costs.

- **How many states provided extended unemployment benefits to workers in training?**

Five states qualify for UIMA funding by providing at least 26 weeks of extended unemployment benefits to workers in training to workers in various industries suffering from serious job losses.

#### **IV. Compelling Family Reasons for Leaving Work**

Under the UIMA, states qualify for incentive funding if they have adopted policies providing benefits to those who leave work for each of the following compelling family circumstances: domestic violence, the individual's spouse relocates to another location ("trailing spouse"), the individual is taking care of a sick family member.

##### **A. Trailing Spouse**

- **What is the state rule denying benefits to workers who leave work to follow their spouse to another location?**

In our highly mobile society, almost one in four families moves every year, and about one-third of these are across county lines. Military families move even more frequently; almost 39 percent each year. When a family member is transferred by his or her employer across county or state lines, the "trailing spouse" or partner must often quit a job in order to move with the family. She will frequently be considered to have quit work voluntarily and may be disqualified from UI. Thirty-three states deny unemployment benefits to trailing spouses who are forced to leave their jobs as a result of a family move.

- **Key argument in support state laws providing benefits to the "trailing spouse."**

**The UI system must adapt to the mobility of families in America and the large number of two-worker families.** In the vast majority of family moves, it is the woman who follows her spouse or partner to a new job. Often, the trailing spouse must leave a job to move with the family, as both partners work in nearly 60 percent of married-couple families. The UI "gender gap" is due in part to the failure of UI systems to compensate individuals (mostly women) who must leave their work due to mandatory job transfers of their spouse or partner.

- **Responding to the opponents' arguments.**

**Opponents' Argue:** When a spouse leaves a job in order to follow her spouse, the job separation is voluntary, and not the responsibility of the employer.

**Response:** Millions of American families have two working spouses, trying to balance work and family responsibilities. State UI systems are intended to disqualify from benefits those who leave work voluntarily. Spouses who sacrifice their jobs, uproot their families, and adapt to a new place in order to keep the family together are not voluntarily quitting work.

- **How many states provide unemployment benefits to “trailing spouses”?**

Fifteen have adopted provisions that comply with the UIMA to provide benefits to training spouses. Some states have adopted more limited provisions that do not qualify for UIMA funding, as in the case of those states that limit their policies to military spouses and other special categories of workers.

## **B. Domestic Violence**

- **What is the state policy providing unemployment benefits to domestic violence survivors?**

Domestic violence follows its victims to work and can have an enormous impact on their ability to retain a job. Survivors of domestic violence who must leave their jobs because of the violence in their lives may be disqualified from receiving unemployment benefits if domestic violence is not considered good cause for leaving a job. Responding to this situation, more than half the states have enacted specific provisions in their UI laws in the past decade that provide benefits to those who must leave a job due to domestic violence or stalking.

- **Key arguments in support of providing unemployment benefits to domestic violence survivors?**

**1. Nearly all employed domestic violence survivors experience work-related problems as a result of their abuse.** Ninety-six percent report some type of work-related problem due to the violence they suffer in their personal relationships. One example is where a perpetrator stalks a victim at her workplace—making harassing phone calls, waiting outside, or coming into the workplace and verbally or physically assaulting her. According to a series of studies, between 24 and 52 percent of domestic violence victims report that they lost a job due, at least in part, to domestic violence.

**2. Maintaining an independent source of income is critical for women who are trying to escape domestic violence and remain connected to work.** Job loss, or the threat of job loss, prevents many battered women from escaping violent relationships. Without an income source separate from their abusers, many women are unable to escape the violence in their homes. Survivors should not have to choose between violence and poverty.



**3. Unemployment insurance is needed to help domestic violence survivors maintain safety from their abusers.** State laws UI laws can help battered women find and maintain safety for themselves and their children by requiring that job search requirements accommodate the safety concerns of domestic violence survivors.

- **Responding to the opponents' arguments.**

**1. Opponents Argue:** Providing UI to domestic violence or stalking victims is costly.

**Response:** There is considerable evidence demonstrating that the cost of providing unemployment insurance to victims of domestic violence has been quite low (and much lower than opponents have frequently claimed). UI benefits are only available if domestic violence is the reason the victim had to leave a job. For example, in Minnesota, for the twelve months from March 1, 2003, through February 19, 2004, there were 31 cases covered by its domestic violence unemployment law for a total cost of \$77,000. North Carolina had 63 claims in 2002 (as of June, 2002), for a yearly cost of \$101,088. South Dakota just enacted its law in 2003. In most states, benefits are not charged to an individual employer's account, but spread out among all of the employers in the state.

**2. Opponents Argue:** It is inappropriate to use the UI fund for this purpose.

**Response:** The unemployment compensation system was designed in 1935 for workers who are attached to the labor force and who are unemployed through no fault of their own. Domestic violence victims who must leave work due to the violence fall well within this purpose. Increased participation of women in the workforce as well as society's increased awareness and responsiveness to domestic violence requires that states update their good cause provisions to ensure that the purpose of UI can be fulfilled for domestic violence victims.

- **How many states provide unemployment benefits to domestic violence survivors?**

Twenty-eight states and the District of Columbia provide unemployment benefits to workers who leave their jobs due to domestic violence, complying with the provisions of the UIMA (Table 1).

### **C. Leaving Work Due to Illness or Disability**

- **What is the state policy providing unemployment benefits to workers who are forced to leave work to care for sick family members?**

When working families face the illness of a child or family member, it can become impossible to continue working, especially in emergency situations where the employer does not provide paid sick days and the worker has limited help to take care of a sick family member. States have increasingly recognized that leaving a job in these compelling situations should be treated as "good cause" which should not disqualify the worker from receiving unemployment benefits. These model states provide UI benefits, especially in the cases where workers have checked in with the employer but have not been able to find a reasonable work accommodation.

- **Key arguments in support providing benefits for worker who are forced to leave work to care for sick family members?**

Unemployment benefits are there for workers who lose their job through circumstances beyond their control. A serious disability or illness of a family member, especially one that could not be anticipated, is effectively no different than a layoff since both are beyond the worker's control. In addition, many workers who are forced to leave work to care for sick family member do so because of inadequate sick leave and other workplace policies that help workers accommodate family emergencies. .

- **Responding to the opponents' arguments.**

**Opponents Argue:** Workers forced to leave work are not available for work and should not qualify for UI benefits, even if they leave work to take care of sick family members.

**Response:** This argument represents a fundamental misunderstanding of unemployment insurance eligibility rules. UI benefits in states with these policies would only be available to workers who remain available for a different work arrangement while caregiving. More frequently workers will have to quit work and stay out of the workforce for the limited duration of an illness or during the period when they cannot find alternative care for their sick family member. Thus, in these cases, UI benefits would only be available when workers resume their work search after leaving work to take care of the immediate health care issue.

- **How many states provide benefits to workers forced to leave their jobs to care for a sick family member?**

Sixteen states have specific provisions that ensure that workers forced to leave work to care for sick family members can collect UI benefits (Table 1).

#### **IV. Dependent Allowances**

- **What are the state policies that provide extra unemployment benefits for families with dependents?**

Some states provide a supplemental UI benefit to recognize the financial hardships that families with children face when a wage-earner is unemployed. Unemployment insurance benefits too often are insufficient to provide for the needs of the children in families that struggle to make ends meet even in good times. Thirteen states, plus the District of Columbia, address the special hardships for families trying to subsist on an unemployment check by paying a regular weekly dependent or children's allowance as part of a UI check.

- **Key arguments in support of providing extra unemployment benefits for families with dependents.**

**1. Families living on unemployment endure special hardships.** Unemployment places financial stress on families. When parents lose jobs, the family income drops; UI benefits only

replace a portion of the lost wages. A nationwide poll of unemployed workers found that 84 percent of women with children, and 77 percent of men, reported increases in family stress as a result of their unemployment. Two-thirds of the women polled said they cut spending on their children, food and medical care while unemployed.

**2. Dependents' benefits help low-wage working families survive.** The UI system is intended to partially replace lost wages for unemployed workers. Low-wage families often are stretched so thin financially that any reduction of income cuts into the ability to meet basic needs. In 1995, the Advisory Council on Unemployment Compensation found that families earning less than \$15,000 a year spend 65 percent of their income on necessities. In nine of the states that provide dependent benefits as part of the UI benefit, the benefit replaced 65% or more of previous income – enough to meet necessary spending for average low-income families.

- **Responding to the opponents' arguments.**

**1. Opponents Argue:** Unemployment Insurance is not welfare; dependents' benefits make it look like welfare.

**Response:** Unlike welfare, receipt of UI benefits is not based on poverty and the presence of children in a family, but on attachment to the workforce and the amount of wages earned in prior work.

**2. Opponents Argue:** Providing dependent benefits is costly.

**Response:** The additional children's portion, while very important to the family budget, is generally small (\$15 or \$25 per child) and capped at a maximum number of children. Moreover, a common restriction on dependents' benefits is that they cannot exceed one-half of a worker's weekly benefit amount.

**3. Opponents Argue:** Workers do not get a higher wage rate just because they have children, so why should they get a higher UI check?

**Response:** Actually, workers do get to keep more of their paycheck based on the number of dependents. The amount of take-home pay a worker keeps varies by the number of dependents. The Earned Income Tax Credit amount also is based on the number of dependent children in the household. Social Security Disability Insurance, whose purpose is similar to UI in replacing lost earnings of workers, includes an additional portion as dependent benefits.

- **How many states provide extra unemployment benefits to families with dependents?**

Although 13 states provide additional unemployment benefits to families with dependents, all but four of these states provide less than the required \$15 per dependent that qualifies for incentive funding under the UIMA (Table 1).

# Model State Legislation Implementing the Unemployment Insurance Modernization Act

## I. Alternative Base Period

### Washington

Base year – Alternative base year

"Base year" with respect to each individual, shall mean either the first four of the last five completed calendar quarters or the last four completed calendar quarters immediately preceding the first day of the individual's benefit year.

For the purposes of establishing a benefit year, the department shall initially use the first four of the last five completed calendar quarters as the base year. If a benefit year is not established using the first four of the last five calendar quarters as the base year, the department shall use the last four completed calendar quarters as the base year.

Computations using the last four completed calendar quarters shall be based on available wage items processed as of the close of business on the day preceding the date of application. The department shall promptly contact employers to request assistance in obtaining wage information for the last completed calendar quarter if it has not been reported at the time of initial application.

WASH. REV. CODE § 50.04.020

## II. Part-Time Worker Eligibility

### 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

### Georgia

Any person claiming benefits under this chapter must be available for full-time or part-time employment, as those terms are generally understood in the trade or work classification involved, without regard to prior work restrictions, provided that in the case of availability for part-time employment part-time services the claimant offers.

H.R. 1433 § 2, 147 Gen Assem., Reg. Sess. (Ga. 2003-04)

## III. Extended Unemployment Benefits While in Training

### Washington

"Dislocated worker" means any individual who: (1) Has been terminated or received a notice of termination from employment; (2) Is eligible for or has exhausted entitlement to unemployment

compensation benefits; and (3) Is unlikely to return to employment in the individual's principal occupation or previous industry because of a diminishing demand for their skills in that occupation or industry.

WASH. REV. CODE § 50.04.075.

(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.

\* \* \* \*

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

(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 [Workforce Investment Act].

"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 . . .

(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.

WASH. REV. CODE § 50.22.150.

## **IV. Compelling Family Reasons for Leaving Work**

### **1. Trailing Spouse**

#### **California**

An individual may be deemed to have left his or her most recent work involuntarily and with good cause if he or she leaves employment to accompany his or her spouse or domestic partner to a place from which it is impractical to commute to the employment. For purposes of this section, "spouse" includes a person to whom marriage is imminent.

CAL. UNEMP. INS. CODE § 1256

## 2. Domestic Violence

(A) DEFINITIONS — In this section:

1. “Domestic violence” means abuse committed against an employee or an employee’s dependent child by:

- a. A current or former spouse of the employee.
- b. A person with whom the employee shares parentage of a child in common.
- c. A person who is cohabitating with, or has cohabitated with, the employee.
- d. A person who is related by blood or marriage.
- e. A person with whom the employee has or had a dating or engagement relationship.

2. “Abuse” means:

- a. Causing, or attempting to cause, physical harm.
- b. Placing another person in fear of imminent serious physical harm.
- c. Causing another person to engage involuntarily in sexual relations by force, threat or duress, or threatening to do so.
- d. Engaging in mental abuse, which includes threats, intimidation and acts designed to induce terror.
- e. Depriving another person of medical care, housing, food or other necessities of life.
- f. Restraining the liberty of another.

NOTE: States may want to consider referencing their stalking or sexual assault statutes.

(B) ELIGIBILITY FOR UNEMPLOYMENT INSURANCE

1. An individual shall not be disqualified from receiving unemployment insurance benefits if the individual establishes to the satisfaction of the [director] that the reason the individual left work was due to domestic violence, including stalking or a sex offense:

- a. The individual’s reasonable fear of future violence at or en route to or from the individual’s place of employment.
- b. The individual’s need to relocate to another geographic area in order to avoid future violence.
- c. The individual’s need to address the physical, psychological and legal impacts of violence.
- d. The individual’s need to leave employment as a condition of receiving services or shelter from an agency which provides support services or shelter to victims of violence.
- e. Any other situation in which violence causes the individual to reasonably believe that termination of employment is necessary for the future safety of the individual or the individual’s family.

2. An individual may demonstrate the existence of domestic violence, stalking or other sex offense by providing one of the following:

- a. A restraining order or other documentation of equitable relief issued by a court of competent

jurisdiction;

- b. A police record documenting the abuse;
- c. Documentation that the abuser has been convicted of one or more of the offenses enumerated in [cite appropriate criminal law section];
- d. Medical documentation of the abuse;
- e. A statement provided by a counselor, social worker, health worker, member of the clergy, shelter worker, legal advocate, or other professional who has assisted the individual in addressing the effects of the abuse on the individual or the individual's family; or
- f. A sworn statement from the individual attesting to the abuse.

3. No evidence of violence experienced by an individual, including the individual's statement and corroborating evidence, shall be disclosed by the [State agency] unless consent for disclosure is given by the individual.

### (C) WORK SEARCH

Except for individuals who qualify for unemployment compensation benefits under [cite to section on violence victims and "good cause"], who shall register for work but who otherwise will not be required to actively seek work on a weekly basis.

For individuals who qualify for unemployment compensation benefits under [cite to section on violence victims and "good cause"] "suitable work" must reasonably accommodate the individual's need to address the physical, psychological, legal, and other effects of domestic violence, stalking or other sex offense.

### (D) TRAINING PROGRAM

1. The [director] shall implement a training curriculum approved by the [Governor's Commission on Domestic Violence and the Human Resources Division].

2. All senior management personnel of the [State agency] shall be trained in this curriculum not later than 60 days from the effective date of this section. The [director] shall develop an ongoing plan for employees of the [agency] who interact with claimants to be trained in the nature and dynamics of sexual violence, so that employment separations stemming from violence are reliably screened and adjudicated, and so that victims of such violence are able to take advantage of the full range of job services provided by the [agency].

(Proposed language drafted by NELP based on Massachusetts and Washington State laws).

## **3. Illness & Disability**

### **Maine**

The leaving was caused by the illness or disability of the claimant or an immediate family member and the claimant took all reasonable precautions to protect the claimant's employment status by promptly notifying the employer of the reasons for the absence and by promptly requesting reemployment when again able to resume employment.



## V. Dependent Allowances

### New Mexico

C. An individual otherwise eligible for benefits shall be paid for each week of unemployment, in addition to his or her weekly benefit amount, the sum of fifteen dollars (\$15.00) for each unemancipated child, up to a maximum of four and subject to the maximum benefit amount stated in Section 2 of this section, of the individual who is in fact dependent upon and wholly or mainly supported by the individual and is:

- (1) under the age of eighteen;
- (2) under the age of eighteen and in the individual's custody pending the adjudication of a petition filed by the individual for the adoption of the child in a court of competent jurisdiction; or
- (3) under the age of eighteen and for whom the individual is under a decree or order from a court of competent jurisdiction required to contribute to the child's support and for whom no other person is receiving allowances under the Unemployment Compensation Law if the child is domiciled within the United States or its territories or possessions, the payment to be withheld and paid pursuant to [state law on withholding of child support payments].

D. Dependency benefits shall not exceed fifty percent of the individual's weekly benefit rate. The amount of dependency benefits determined as of the beginning of an individual's benefit year shall not be reduced for the duration of the benefit year, but this provision does not prevent the transfer of dependents' benefits from one spouse to another in accordance with this subsection. If both the husband and wife receive benefits with respect to a week of unemployment, only one of them is entitled to a dependency allowance with respect to a child. The division shall prescribe standards as to who may receive a dependency allowance when both the husband and wife are eligible to receive unemployment compensation benefits. Dependency benefits shall not be paid unless the individual submits documentation satisfactory to the division establishing the existence of the claimed dependent. If the provisions of this subsection are satisfied, an otherwise eligible individual who has been appointed guardian of a dependent child by a court of competent jurisdiction shall be paid dependency benefits.

N.M. STAT. ANN. § 51-1-4

## Unemployment Insurance Modernization State Incentive Funding Provisions

January 2009

States	Alternative Base Period	Extended UI While in Training	Part-Time Worker Coverage**	Weekly Dependent Allowance of \$15 ("O" indicates states with less than \$15)	Compelling Family Reasons for Leaving Work***		
					Domestic Violence	Spouse Relocates	Illness and Disability
Alabama							
Alaska				X		X	
Arizona					X	X	X
Arkansas							X
California		X	X		X	X	X
Colorado					X		X
Connecticut	X			X	X		X
Delaware			X		X		
District of Columbia	X		X		X		
Florida							
Georgia	X						
Hawaii	X		X			X	
Idaho							
Illinois	X			O	X		X
Indiana					X	X	
Iowa			X	O			
Kansas			X		X	X	
Kentucky							
Louisiana			X				
Maine	X	X	X	O	X	X	X
Maryland				O			X
Massachusetts	X	18 weeks		X	X		
Michigan	X			O			
Minnesota	(partial ABP)		X		X		
Mississippi							
Missouri							
Montana					X		
Nebraska			X		X	X	X
Nevada						X	
New Hampshire	X		X		X		
New Jersey	X	X	X	O	X		
New Mexico	X		X	X	X		
New York	X	(capped funding)	X		X	X	X
North Carolina	X		X		X		X
North Dakota							
Ohio	X			O			
Oklahoma	(capped funding)				X	X	X
Oregon		X			X	X	X
Pennsylvania			X	O		X	
Rhode Island	X		X	O	X	X	
South Carolina					X		
South Dakota			X		X		
Tennessee							
Texas					X		X
Utah							
Vermont	X		X		X		
Virginia	X						
Washington	X	X			X		X
West Virginia							
Wisconsin	X				X		X
Wyoming			X		X		
<b>Totals</b>	<b>19</b>	<b>5</b>	<b>20</b>	<b>4</b>	<b>29</b>	<b>15</b>	<b>16</b>

\*Prepared by the National Employment Law Project, this table is based on an analysis of state laws, regulations and decisions.

\*\*State law provisions that require the entire work history to include part-time work are not counted for the purposes of this survey.

\*\*\*State law provisions that include specific "good cause" exemptions for the categories listed and those exempt "personal" reasons for leaving work are counted for the survey.

**State Distributions Under the Unemployment Insurance Modernization Act**  
February 2009

State	Does the State have an Alternative Base Period (ABP)?	Allotment in Millions			UIMA Administrative Allocation (in Millions)
		One-third UIMA Incentive Payment for the ABP	Two-thirds UIMA Incentive Payment	Total Share of the \$7 billion UIMA Distribution	
Alabama		\$33.5	\$66.9	\$100.5	\$7.2
Alaska		\$5.2	\$10.4	\$15.6	\$1.1
Arizona		\$50.0	\$100.0	\$150.1	\$10.7
Arkansas		\$20.0	\$40.0	\$60.0	\$4.3
California		\$279.3	\$558.6	\$838.7	\$59.9
Colorado		\$42.5	\$84.9	\$127.5	\$9.1
Connecticut	Yes	\$29.2	\$58.5	\$87.8	\$6.3
Delaware		\$7.3	\$14.6	\$21.9	\$1.6
District of Columbia	Yes	\$9.2	\$18.4	\$27.6	\$2.0
Florida		\$148.0	\$295.9	\$444.3	\$31.7
Georgia	Yes	\$73.4	\$146.7	\$220.3	\$15.7
Hawaii	Yes	\$10.2	\$20.3	\$30.5	\$2.2
Idaho		\$10.8	\$21.5	\$32.3	\$2.3
Illinois	Yes	\$100.3	\$200.6	\$301.2	\$21.5
Indiana		\$49.5	\$98.9	\$148.5	\$10.6
Iowa		\$23.6	\$47.2	\$70.8	\$5.1
Kansas		\$23.0	\$46.0	\$69.0	\$4.9
Kentucky		\$30.0	\$60.1	\$90.2	\$6.4
Louisiana		\$32.8	\$65.5	\$98.4	\$7.0
Maine	Yes	\$9.4	\$18.8	\$28.2	\$2.0
Maryland		\$42.2	\$84.4	\$126.8	\$9.1
Massachusetts	Yes	\$54.2	\$108.4	\$162.7	\$11.6
Michigan	Yes	\$69.4	\$138.7	\$208.3	\$14.9
Minnesota	(Partial ABP)	\$43.3	\$86.6	\$130.1	\$9.3
Mississippi		\$18.7	\$37.4	\$56.1	\$4.0
Missouri		\$44.4	\$88.8	\$133.3	\$9.5
Montana		\$6.5	\$13.0	\$19.5	\$1.4
Nebraska		\$14.5	\$29.0	\$43.6	\$3.1
Nevada		\$25.6	\$51.2	\$76.9	\$5.5
New Hampshire	Yes	\$10.5	\$20.9	\$31.4	\$2.2
New Jersey	Yes	\$68.9	\$137.7	\$206.8	\$14.8
New Mexico	Yes	\$13.0	\$26.0	\$39.0	\$2.8
New York	Yes	\$137.4	\$274.9	\$412.7	\$29.5
North Carolina	Yes	\$68.3	\$136.6	\$205.1	\$14.6
North Dakota		\$4.9	\$9.7	\$14.6	\$1.0
Ohio	Yes	\$88.1	\$176.2	\$264.5	\$18.9
Oklahoma	(Capped Funding)	\$25.3	\$50.5	\$75.9	\$5.4
Oregon		\$28.5	\$57.0	\$85.6	\$6.1
Pennsylvania		\$91.0	\$182.0	\$273.3	\$19.5
Puerto Rico		\$13.7	\$27.4	\$41.2	\$2.9
Rhode Island	Yes	\$7.8	\$15.7	\$23.5	\$1.7
South Carolina		\$32.5	\$64.9	\$97.5	\$7.0
South Dakota		\$5.9	\$11.7	\$17.6	\$1.3
Tennessee		\$47.2	\$94.4	\$141.8	\$10.1
Texas		\$185.0	\$370.1	\$555.7	\$39.7
Utah		\$20.3	\$40.6	\$61.0	\$4.4
Vermont	Yes	\$4.6	\$9.3	\$13.9	\$1.0
Virgin Islands		\$0.7	\$1.3	\$2.0	\$0.1
Virginia	Yes	\$62.8	\$125.5	\$188.5	\$13.5
Washington	Yes	\$48.8	\$97.6	\$146.6	\$10.5
West Virginia		\$11.1	\$22.1	\$33.2	\$2.4
Wisconsin	Yes	\$44.6	\$89.2	\$133.9	\$9.6
Wyoming		\$4.7	\$9.5	\$14.2	\$1.0
<b>Total</b>	<b>19</b>	<b>\$2,331.1</b>	<b>\$4,662.1</b>	<b>\$7,000</b>	<b>\$500</b>

## Workers Benefiting from Unemployment Insurance Modernization Act Reforms

February 2009

States	Alternative Base Period		Part-Time Worker Coverage		Family Reasons for Leaving Work		Totals	
	Workers Benefiting	Benefits Paid (in millions)	Workers Benefiting	Benefits Paid (in millions)	Workers Benefiting	Benefits Paid (in millions)	Workers Benefiting	Benefits Paid (in millions)
Alabama	12,715	\$13.0	5,500	\$4.3	1,359	\$2.4	19,574	\$19.7
Alaska	3,006	\$4.1	2,044	\$2.2	284	\$0.7	5,334	\$7.0
Arizona	7,026	\$10.2	4,221	\$4.7	0	\$0.0	11,247	\$14.9
Arkansas	1,917	\$3.1	2,275	\$2.8	380	\$1.1	4,572	\$6.9
California	64,500	\$152.2	0	\$0.0	0	\$0.0	64,500	\$152.2
Colorado	955	\$2.0	2,318	\$3.7	1,062	\$5.2	4,335	\$10.8
Connecticut	0	\$0.0	4,935	\$9.2	478	\$2.6	5,413	\$11.9
Delaware	219	\$0.5	0	\$0.0	166	\$0.6	385	\$1.0
District of Columbia	0	\$0.0	0	\$0.0	150	\$0.7	150	\$0.7
Florida	27,229	\$45.2	6,294	\$8.0	6,393	\$18.3	39,916	\$71.5
Georgia	0	\$0.0	6,630	\$7.0	2,175	\$5.2	8,805	\$12.2
Hawaii	0	\$0.0	0	\$0.0	114	\$0.5	114	\$0.5
Idaho	408	\$0.6	3,056	\$3.3	532	\$1.3	3,996	\$5.2
Illinois	0	\$0.0	10,620	\$20.5	1,493	\$6.5	12,112	\$26.9
Indiana	13,754	\$24.5	9,171	\$12.5	798	\$2.5	23,723	\$39.5
Iowa	4,535	\$7.7	0	\$0.0	1,272	\$3.7	5,807	\$11.4
Kansas	6,573	\$13.5	0	\$0.0	242	\$0.9	6,815	\$14.4
Kentucky	6,823	\$11.8	5,867	\$7.8	1,466	\$5.24	14,156	\$24.8
Louisiana	10,458	\$12.3	0	\$0.0	1,432	\$4.5	11,890	\$16.8
Maine	0	\$0.0	0	\$0.0	0	\$0.0	0	\$0.0
Maryland	11,467	\$22.4	5,924	\$8.9	2,384	\$8.2	19,775	\$39.5
Massachusetts	0	\$0.0	7,430	\$17.9	1,007	\$5.5	8,437	\$23.4
Michigan	0	\$0.0	22,311	\$35.2	4,035	\$14.2	26,346	\$49.4
Minnesota	3,692	\$9.0	0	\$0.0	918	\$3.9	4,610	\$12.9
Mississippi	4,542	\$5.8	2,563	\$2.5	1,258	\$2.8	8,363	\$11.1
Missouri	19,615	\$29.7	7,439	\$8.6	3,174	\$8.3	30,229	\$46.7
Montana	797	\$1.2	1,137	\$1.3	314	\$0.8	2,248	\$3.4
Nebraska	1,254	\$1.9	0	\$0.0	0	\$0.0	1,254	\$1.9
Nevada	925	\$1.6	2,817	\$3.8	395	\$1.2	4,137	\$6.7
New Hampshire	0	\$0.0	1,333	\$1.5	319	\$0.8	1,651	\$2.3
New Jersey	0	\$0.0	0	\$0.0	0	\$0.0	0	\$0.0
New Mexico	0	\$0.0	0	\$0.0	0	\$0.0	0	\$0.0
New York	0	\$0.0	0	\$0.0	0	\$0.0	0	\$0.0
North Carolina	0	\$0.0	0	\$0.0	1,069	\$3.1	1,069	\$3.1
North Dakota	416	\$0.6	951	\$1.0	190	\$0.5	1,557	\$2.1
Ohio	0	\$0.0	17,230	\$26.7	2,536	\$9.2	19,766	\$35.9
Oklahoma	0	\$0.0	1,271	\$1.6	0	\$0.0	1,271	\$1.6
Oregon	6,681	\$12.8	7,429	\$10.9	0	\$0.0	14,111	\$23.7
Pennsylvania	28,472	\$68.3	0	\$0.0	1,966	\$8.2	30,438	\$76.4
Rhode Island	0	\$0.0	0	\$0.0	114	\$0.5	114	\$0.5
South Carolina	11,122	\$16.2	4,463	\$5.0	1,070	\$2.7	16,655	\$23.9
South Dakota	898	\$1.1	0	\$0.0	122	\$0.3	1,020	\$1.4
Tennessee	4,792	\$6.9	6,593	\$7.2	1,426	\$3.5	12,811	\$17.6
Texas	28,749	\$53.2	13,888	\$19.7	2,555	\$8.2	45,192	\$81.1
Utah	1,179	\$2.1	2,147	\$3.0	403	\$1.3	3,728	\$6.4
Vermont	0	\$0.0	0	\$0.0	228	\$0.7	228	\$0.7
Virginia	0	\$0.0	6,867	\$8.1	845	\$2.3	7,712	\$10.3
Washington	0	\$0.0	9,296	\$15.4	1,199	\$4.6	10,495	\$20.0
West Virginia	512	\$0.8	1,850	\$2.3	513	\$1.4	2,876	\$4.6
Wisconsin	0	\$0.0	12,519	\$15.9	1,509	\$4.3	14,028	\$20.2
Wyoming	835	\$1.2	0	\$0.0	103	\$0.3	937	\$1.5
<b>Totals</b>	<b>286,066</b>	<b>\$535.5</b>	<b>198,389</b>	<b>\$282.5</b>	<b>49,448</b>	<b>\$158.7</b>	<b>533,902</b>	<b>\$976.6</b>

## Estimated Years of Benefit Reforms Paid for with UIMA Incentive Funds

February 2009

State	Total Share of the \$7 billion UIMA Distribution (in millions)	Estimated Number of Years Reform Benefits are Covered under Full UIMA House Bill Provisions
Alabama	\$100.5	5.1
Alaska	\$15.6	2.2
Arizona	\$150.1	10.1
Arkansas	\$60.0	8.7
California	\$838.7	5.5
Colorado	\$127.5	11.8
Connecticut	\$87.8	7.4
Delaware	\$21.9	21.9
District of Columbia	\$27.6	39.4
Florida	\$444.3	6.2
Georgia	\$220.3	18.1
Hawaii	\$30.5	61.0
Idaho	\$32.3	6.2
Illinois	\$301.2	11.2
Indiana	\$148.5	3.8
Iowa	\$70.8	6.2
Kansas	\$69.0	4.8
Kentucky	\$90.2	4.2
Louisiana	\$98.4	5.9
Maine	\$28.2	Full Funding
Maryland	\$126.8	3.2
Massachusetts	\$162.7	7.0
Michigan	\$208.3	4.2
Minnesota	\$130.1	10.1
Mississippi	\$56.1	5.1
Missouri	\$133.3	2.9
Montana	\$19.5	5.7
Nebraska	\$43.6	22.9
Nevada	\$76.9	11.5
New Hampshire	\$31.4	13.7
New Jersey	\$206.8	Full Funding
New Mexico	\$39.0	Full Funding
New York	\$412.7	Full Funding
North Carolina	\$205.1	66.2
North Dakota	\$14.6	7.0
Ohio	\$264.5	7.4
Oklahoma	\$75.9	47.4
Oregon	\$85.6	3.6
Pennsylvania	\$273.3	3.6
Rhode Island	\$23.5	47.0
South Carolina	\$97.5	4.1
South Dakota	\$17.6	12.6
Tennessee	\$141.8	8.1
Texas	\$555.7	6.9
Utah	\$61.0	9.5
Vermont	\$13.9	19.9
Virginia	\$188.5	18.3
Washington	\$146.6	7.3
West Virginia	\$33.2	7.2
Wisconsin	\$133.9	6.6
Wyoming	\$14.2	9.5

<b>States (including D.C.) that Receive Funding for:</b>	
Over 3 Years	49 states
Over 5 Years	41 states
<b>Median</b>	<b>7.3 years</b>