



UTAH DEPARTMENT OF
WORKFORCE SERVICES

Utah's Job Connection

Senate Sponsor:

Co-sponsor:

Key Points:

House Sponsor:
Rep. Steven R. Mascaro

Co-sponsor:

TITLE: EMPLOYMENT SECURITY ACT
AMENDMENTS

SUMMARY:

The amendment to Utah State Code 35A-4-403 is requested to:

- Waive certain UI filing requirements in the event of a disaster declared by the President or the Governor. (This was from lessons learned from the Katrina disaster and recommended by USDOL.)
- Clarify that UI claimants are no longer required to register for work at, and thereafter continue to report at an employment office as a condition of ongoing eligibility for UI benefits. (These processes are now done in a centralized and electronic environment.)
- Clarify that an individual must remain able and available for work during each and every week with respect to which the individual made a claim for benefits unless they are in certain department approved training.

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Revised: 8/30/2007

EMPLOYMENT SECURITY ACT AMENDMENTS

2008 GENERAL SESSION

STATE OF UTAH

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LONG TITLE

General Description:

This bill modifies provisions of the Employment Security Act regarding the eligibility of a claimant to receive unemployment compensation benefits.

Highlighted Provisions:

This bill:

<clarifies that a claimant for unemployment benefits is not required to personally report at an employment office as a condition of ongoing eligibility to receive benefits;

<provides for the waiver of certain filing requirements for unemployment compensation benefits if a disaster is declared by the President of the United States or the governor;

<provides that a claimant must remain able and available for work during each and every week for which the individual made a claim for benefits; and

<makes certain technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

35A-4-403, as last amended by Laws of Utah 1999, Chapter 80

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Be it enacted by the Legislature of the state of Utah:

Section 1. Section **35A-4-403** is amended to read

35A-4-403. Eligibility of individual -- Conditions -- Furnishing reports -- Weeks of employment -- Successive benefit years.

(1) Except as provided in Subsection (2), an unemployed individual is eligible to receive benefits ~~[with respect to]~~ for any week ~~[only]~~ if the division finds:

(a) the individual has made a claim for benefits ~~[with respect to]~~ for that week in accordance with ~~[any]~~ rules the department may prescribe~~[-]~~, except as provided in Subsection

(3);

37 (b) the individual has registered for work [~~at, and thereafter continued to report at, an~~
38 ~~employment office,]~~ with the department and acted in a good faith effort to secure employment
39 during each and every week for which the individual made a claim for benefits under this
40 chapter in accordance with [any] rules the department may prescribe[-], except as provided in
41 Subsection (3);

42 (c) the individual is able to work and is available for work during each and every week
43 [~~with respect to] for which the individual made a claim for benefits under this chapter[-, and~~
44 ~~acted in good faith in an active effort to secure employment, except as provided in Subsection~~
45 ~~(3)-];~~

46 (d) the individual has been unemployed for a waiting period of one week [~~with respect-~~
47 ~~to] for each benefit year[-A] , but a week may not be counted as a week of unemployment for
48 the purpose of this subsection:~~

49 (i) unless it occurs within the benefit year that includes the week [~~with respect to] for~~
50 which the [individual's] individual claims benefits;

51 (ii) if benefits have been paid [~~with respect to] for the claim; or~~

52 (iii) unless the individual was eligible for benefits [~~with respect thereto] for the week~~
53 as provided in this section and Sections 35A-4-401 and 35A-4-405, except for the requirement
54 of Subsection (1)(d)[-];

55 (e) (i) the individual has furnished the division separation and other information the
56 department may [~~by rule] prescribe[-] by rule, except:~~

57 (ii) (A) Subsection (1)(e)(i) does not apply if the individual proves to the satisfaction
58 of the division that the individual had good cause for failing to furnish the information[-]; and

59 [(iii)] (B) if [~~any] an employer fails to furnish reports concerning separation and~~
60 employment as required by this chapter and rules adopted under the chapter, the division shall,
61 on the basis of [such] information [as] it [~~may obtain] obtains, determine the eligibility and~~
62 insured status of [any] an individual affected by that failure and the employer is not considered
63 to be an interested party to [~~any such] the determination[-];~~

64 (f) (i) the individual's base period wages were at least 1-1/2 times the individual's
65 wages for insured work paid during that quarter of the individual's base period in which the
66 individual's wages were highest; or

67 (ii) the individual shows to the satisfaction of the division that the individual worked at
68 least 20 weeks in insured work during the individual's base period and earned wages of at least
69 5% of the monetary base period wage requirement each week, rounded to the nearest whole
70 dollar, provided that the individual's total base-period wages were not less than the monetary
71 base period wage requirement[~~-The monetary base period wage requirement is] as defined in~~
72 Section 35A-4-201[-];

73 (g) (i) the individual applying for benefits in a successive benefit year has had
74 subsequent employment since the effective date of the preceding benefit year equal to at least
75 six times the individual's weekly benefit amount, in insured work[;]; and

76 (ii) the individual's total wages and employment experience in the individual's base
77 period meet the requirements specified in Subsection (1)(f).

78 (2) (a) For purposes of Subsection (2), "Suitable employment" means:

79 (i) work of a substantially equal or higher skill level than the individual's past
80 adversely affected employment as defined for purposes of the Trade Act of 1974; and

81 (ii) wages for that work at not less than 80% of the individual's average weekly wage
82 as determined for purposes of the Trade Act of 1974

83 ~~[(2)-(a)]~~ (b) (i) An individual in training with the approval of the division is not
84 ineligible to receive benefits by reason of nonavailability for work, failure to search for work,
85 refusal of suitable work, failure to apply for or to accept suitable work, or not having been
86 unemployed for a waiting period of one week ~~[with respect to]~~ for any week the individual is
87 in the approved training.

88 (ii) For purposes of ~~[this]~~ Subsection (2)~~[(a)]~~(b)(i), the division shall approve any
89 mandatory apprenticeship-related training.

90 ~~[(b)]~~ (c) Notwithstanding any other provision of this chapter, ~~[no]~~ the division may not
91 deny an otherwise eligible individual ~~[shall be denied]~~ benefits for any week:

92 (i) because the individual is in training approved under Section 236 (a)(1) of the Trade
93 Act of 1974, 19 U.S.C. 2296(a);

94 (ii) for leaving work to enter training described in Subsection (2)~~[(b)]~~(c)(i) if the work
95 left is not suitable employment; or

96 (iii) because of the application to any such week in training of provisions in this law or
97 any applicable federal unemployment compensation law relating to availability for work,
98 active search for work, or refusal to accept work.

99 ~~[(c) For purposes of this Subsection (2), "suitable employment" means work of a~~
100 ~~substantially equal or higher skill level than the individual's past adversely affected~~
101 ~~employment, as defined for purposes of the Trade Act of 1974, and wages for that work at not~~
102 ~~less than 80% of the individual's average weekly wage as determined for the purposes of the~~
103 ~~Trade Act of 1974.]~~

104 (3) The department may, by rule, waive or alter either or both of the requirements of
105 Subsections (1)(a) and (b) as to individuals attached to regular jobs, in the event of a disaster as
106 declared by President of the United States or by the governor of this state, and as to other types
107 of cases or situations ~~[with respect to which]~~ when it finds that compliance with the

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108 requirements would be oppressive, or would be inconsistent with the purposes of this chapter,
109 as long as the ~~[rules do]~~ rule does not conflict with Subsection 35A-4-401(1).