

SENATE FILE NO. SF0014

Unemployment insurance-benefits operation amendments.

Sponsored by: Joint Labor, Health and Social Services
Interim Committee

A BILL

for

1 AN ACT relating to unemployment insurance; clarifying
2 duties of the department of employment and the department
3 of workforce services with respect to an individual's
4 reporting responsibilities; eliminating a cap on the
5 maximum weekly benefit amount; amending eligibility
6 requirements for benefits as specified; amending
7 disqualification provisions for other benefit payments
8 received; increasing offset collection procedures as
9 specified; eliminating the delinquency rate for
10 reimbursable employers; modifying waiting period
11 requirement; and providing for an effective date.

12

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

14

15 **Section 1.** W.S. 27-3-102(a)(xx), 27-3-303(a),
16 27-3-306(a)(i)(intro), (iv), (vi), by creating a new

1 paragraph (vii) and renumbering (vii) as (viii),
2 27-3-307(a)(intro), (ii), (b)(intro) and by creating a new
3 subsection (d), 27-3-311(a)(intro), (v), (vi) and by
4 creating a new subsection (f), 27-3-313(a)(v) and by
5 creating a new subsection (c), 27-3-402(d),
6 27-3-409(b)(intro), (i) and by creating new subsections (e)
7 and (f) and 27-3-503 by creating a new subsection (h) are
8 amended to read:

9

10 **27-3-102. Definitions generally.**

11

12 (a) As used in this act:

13

14 (xx) "Department" means the divisions within the
15 department of employment established under W.S. 9-2-2002
16 which contain the principal operating units that administer
17 the unemployment compensation program pursuant to the
18 Social Security Act;

19

20 **27-3-303. Weekly amount; computation; payment.**

21

22 (a) Subject to subsection (d) of this section, the
23 weekly benefit amount for an eligible individual is four
24 percent (4%) of his total wages payable for insured work in

1 that quarter of his base period in which his wages were
2 highest computed to the next lower multiple of one dollar
3 (\$1.00). The amount shall not be more than the statewide
4 weekly wage multiplied by fifty-five percent (55%) and
5 computed to the next lower multiple of one dollar (\$1.00).
6 ~~not to exceed three hundred dollars (\$300.00).~~ The
7 statewide weekly wage is the total wages reported by
8 employers, excluding the limitation on the amount of wages
9 subject to contributions under this act, for employment
10 during the calendar year preceding June 1 divided by the
11 product of fifty-two (52) times the twelve (12) month
12 average of the number of employees in the pay period and
13 rounded to the nearest cent. The statewide average annual
14 wage is the total wages reported by employers, excluding
15 the limitation on the amount of wages subject to
16 contributions under this act, for employment during the
17 calendar year preceding June 1 divided by the twelve (12)
18 month average of the number of employees in the pay period
19 and rounded to the nearest cent. The pay period reported
20 by employers shall include the twelfth day of each month
21 during the same year. The minimum and maximum weekly
22 benefit paid under this subsection to any individual
23 applies only to the benefit year beginning on or after July
24 1.

1

2 **27-3-306. Eligibility requirements; waiver or**
3 **amendment authorized; unemployed waiting period;**
4 **registration and referral for suitable work.**

5

6 (a) An unemployed individual is eligible for benefits
7 under this article for any week if he:

8

9 (i) Registers for work, with the department of
10 workforce services and actively seeks work ~~and continues to~~
11 ~~report to a department office~~ in accordance with
12 regulations of the commission, unless he will be recalled
13 to full-time work:

14

15 (iv) Is unemployed for a waiting period of one
16 (1) week. The waiting period requirement of this paragraph
17 shall not apply to initial or additional claims for
18 benefits filed between July 1, 2002 and June 30, ~~2004~~2005,
19 inclusive;

20

21 (vi) As a corporate officer, is unemployed,
22 certifies unemployment and otherwise satisfies the
23 requirements of this subsection; ~~and~~

24

1 (vii) Continues to report to a department office
2 in accordance with regulations of the commission; and

3

4 ~~(vii)~~ (viii) Participates in reemployment
5 services such as job search assistance services if the
6 individual is determined to be likely to exhaust regular
7 benefits and to require reemployment services pursuant to a
8 profiling system established by the department, unless the
9 department determines:

10

11 (A) The individual has completed
12 reemployment services; or

13

14 (B) There is justifiable cause for the
15 claimant's failure to participate in these services.

16

17 **27-3-307. Eligibility when enrolled in approved**
18 **training program; standards for training program approval.**

19

20 (a) Notwithstanding W.S. ~~27-3-306(a)(iii)~~
21 27-3-306(a)(i) and (iii) or 27-3-311(a)(ii) and (iii) or
22 any federal law relating to availability for, active search
23 for, failure to apply for or refusal to accept suitable

1 work, an otherwise eligible individual is eligible for
2 benefits for any week if he is:

3

4 (ii) In training approved under federal law ~~or~~
5 ~~leaving work to enter approved training if that work is not~~
6 ~~suitable employment as defined and determined under federal~~
7 ~~law.~~

8

9 (b) Standards for training program approval under
10 ~~paragraph (a)(i)~~ subsection (a) of this section are:

11

12 (d) Notwithstanding W.S. 27-3-306(a)(i), (iii) and
13 (iv) or 27-3-311(a)(i) through (iii) or any federal law
14 relating to availability for, active search for, failure to
15 apply for or refusal to accept suitable work, an otherwise
16 eligible individual is eligible for benefits for any week
17 if he is not receiving wages or compensation while
18 participating in training in an apprenticeship program
19 approved by the department if he:

20

21 (i) Is attending instruction related to the
22 program when the instruction does not exceed eight (8)
23 weeks during the benefit year of the individual and the
24 attendance in the instruction is required as a condition of

1 the individual's continued enrollment in the apprenticeship
2 program;

3
4 (ii) Provides the department with a copy of his
5 apprenticeship agreement;

6
7 (iii) Files claims in accordance with the rules
8 of the department;

9
10 (iv) Establishes to the satisfaction of the
11 department that the training is an approved apprenticeship
12 program; and

13
14 (v) Has his most recent employer approve his
15 participation in the training.

16
17 **27-3-311. Disqualifications from entitlement;**
18 **grounds; forfeiture.**

19
20 (a) An individual shall be disqualified from benefit
21 entitlement beginning with the effective date of an
22 otherwise valid claim or ~~on the date~~ the week during which
23 the failure occurred, until he has been employed in an
24 employee-employer relationship ~~for a period of at least~~

1 ~~twelve (12) weeks whether or not consecutive,~~ and has
2 earned at least ~~twelve (12)~~ eight (8) times the weekly
3 benefit amount of his current claim for services after that
4 date, if the department finds that he:

5
6 (v) Following four (4) weeks of unemployment,
7 failed to apply for or accept an offer of suitable work
8 other than in his customary occupation offering at least
9 fifty percent (50%) of the compensation of his previous
10 insured work in his customary occupation; or

11
12 (vi) Following twelve (12) weeks of
13 unemployment, as a member of a labor organization fails to
14 apply for or accept suitable nonunion work in his customary
15 occupation. ~~;~~ or

16
17 (f) An individual shall be disqualified from benefit
18 entitlement beginning with the effective date of an
19 otherwise valid claim or the week during which the failure
20 occurred, until he has been employed in an employee-
21 employer relationship and has earned at least twelve (12)
22 times the weekly benefit amount of his current claim for
23 services after that date, if the department finds that he

1 was discharged from his most recent work for misconduct
2 connected with his work.

3

4 **27-3-313. Other grounds for disqualification.**

5

6 (a) For any week with respect to which the following
7 situations occur or payments have been or will be received,
8 an individual shall be disqualified from benefit
9 entitlement if:

10

11 (v) Retirement annuities, pensions or other ~~such~~
12 payments are received from a base period employer or any
13 trust or fund contributed to by a base period employer, and
14 the individual made no contribution to the annuity, pension
15 or other payment. Lump sum payments of retirement
16 annuities, pensions or other ~~such~~ payments which are rolled
17 over into other private funds and which are not deemed
18 income by the internal revenue service shall not be
19 deducted under this subsection. If the payments decreased
20 to the next lower multiple of one dollar (\$1.00) are less
21 than the weekly benefit amount otherwise due under this
22 article, the individual is entitled to benefits in an
23 amount reduced by the payments. ~~In addition, payments~~
24 ~~received under this paragraph shall be reduced by fifty~~

1 ~~percent (50%) prior to deduction pursuant to this~~
2 ~~subsection if the individual made any contribution to the~~
3 ~~retirement annuity, pension or other such payment provided~~
4 ~~by the base period employer.~~

5
6 (c) The individual shall be disqualified from benefit
7 entitlement during any week for which the individual has
8 filed a claim for benefits and remuneration is received as
9 a severance payment, termination allowance, sick pay or
10 earned vacation. If the remuneration decreased to the next
11 lower multiple of one dollar (\$1.00) is less than the
12 weekly benefit amount, the amount of the payment shall be
13 deducted from the amount of benefits the individual would
14 otherwise be entitled to receive during that week.

15
16 **27-3-402. Determination; generally; referral to**
17 **special examiner; redetermination; notice; appeal.**

18
19 (d) Notice of a determination or a redetermination
20 shall be mailed promptly to the claimant at his last known
21 address of record. Notice of a determination involving
22 application of W.S. 27-3-308, 27-3-311(a)(i) and ~~(vii)~~ (f)
23 and 27-3-313(a)(i), together with reasons, shall be given
24 to the last employing unit of the claimant. The department

1 may dispense with notice to any base period employing unit
2 of the claimant if the employing unit failed to indicate
3 prior to determination that he is the base period employer
4 and the claimant may be ineligible or disqualified under
5 this act.

6

7 **27-3-409. Payment of benefits upon determination;**
8 **repayment of overpaid benefits; penalty.**

9

10 (b) An individual receiving benefits under this act
11 to which he is not entitled shall be liable for and repay
12 ~~any such~~ the benefit. Repayment of the benefits shall be
13 had either by recoupment, recovery by civil action or both:

14

15 (i) The department in its discretion, may recoup
16 the benefit amount liable to be repaid by offsetting,
17 without civil action, against future benefits payable to
18 the individual under this act within ~~three (3)~~ five (5)
19 years from the effective date of ~~an overpayment~~
20 ~~determination~~ the claim resulting in the overpayment.
21 ~~There shall be no~~ The department shall waive recoupment if
22 an individual is without fault in receiving the benefits
23 and it defeats the purpose of this act or is against equity

1 and good conscience as considered by the department in
2 accordance with regulations of the commission;

3

4 (e) The department shall cancel the amount of
5 overpayment or penalty due on any overpayment when:

6

7 (i) The individual is deceased with no estate or
8 the estate is closed and all assets are distributed; or

9

10 (ii) The individual is adjudicated insolvent by
11 a court of competent jurisdiction with no remaining assets.

12

13 (f) The department may cancel the amount of
14 overpayments or penalty due on any overpayment five (5)
15 years after the effective date of the claim resulting in an
16 overpayment when:

17

18 (i) The individual cannot be located within the
19 state of Wyoming;

20

21 (ii) The individual is totally unable to work;

22 or

23

