



General Assembly

January Session, 2011

Raised Bill No. 936

LCO No. 2812

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Referred to Committee on Labor and Public Employees

Introduced by:
(LAB)

AN ACT TEMPORARILY EXTENDING THE LOOK-BACK PERIOD TO DETERMINE ELIGIBILITY FOR UNEMPLOYMENT COMPENSATION.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 31-232b of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 As used in subsection (d) of section 31-222 and sections 31-231b, 31-
4 232a to 31-232k, inclusive, [31-236(a)(8)] subdivision (8) of subsection
5 (a) of section 31-236 and 31-250, unless the context clearly requires
6 otherwise:

7 (a) (1) "Extended benefit period" means a period which (A) begins
8 with the third week after a week for which there is a state "on"
9 indicator; and (B) ends with either of the following weeks, whichever
10 occurs later: (i) The third week after the first week for which there is a
11 state "off" indicator; or (ii) the thirteenth consecutive week of such
12 period; provided no extended benefit period may begin by reason of a
13 state "on" indicator before the fourteenth week following the end of a
14 prior extended benefit period which was in effect with respect to this
15 state.

16 (2) With respect to benefits for weeks of unemployment beginning
17 after September 26, 1982, there is a state "on" indicator for a week if, for
18 the period consisting of such week and the immediately preceding
19 twelve weeks, the rate of insured unemployment, as defined in
20 subdivision (4) of this subsection, (A) equaled or exceeded five per cent
21 and equaled or exceeded one hundred twenty per cent of the average
22 of such rates for the corresponding thirteen-week period ending in
23 each of the preceding two calendar years, or (B) equaled or exceeded
24 six per cent.

25 (3) With respect to benefits for weeks of unemployment beginning
26 after June 23, 1993, there is a state "on" indicator for a week if the
27 average rate of total unemployment in the state, as determined by the
28 United States Secretary of Labor, for the period consisting of the most
29 recent three months for which data for all states are published before
30 the close of such week (A) equals or exceeds six and one-half per cent,
31 and (B) equals or exceeds one hundred ten per cent of such average for
32 either or both of the corresponding three-month periods ending in the
33 two preceding calendar years.

34 (4) With respect to benefits for weeks of unemployment beginning
35 on or after December 17, 2010:

36 (A) There is a state "on" indicator for a week if the average rate of
37 insured unemployment for the period consisting of such week and the
38 immediately preceding twelve weeks equals or exceeds five per cent,
39 and the average rate of insured unemployment for the period
40 consisting of such week and the immediately preceding twelve weeks
41 equals or exceeds one hundred twenty per cent of the average of such
42 rates for the corresponding thirteen-week period ending in each of the
43 preceding three calendar years; and

44 (B) There is a state "on" indicator for a week if the average rate of
45 total unemployment in the state, as determined by the United States
46 Secretary of Labor, for the period consisting of the most recent three
47 months for which data for all states are published before the close of

48 such week (i) equals or exceeds six and one-half per cent, and (ii)
49 equals or exceeds one hundred ten per cent of such average for any or
50 all of the corresponding three-month periods ending in the three
51 preceding calendar years.

52 (5) With respect to benefits for weeks of unemployment beginning
53 after December 31, 2011, there is a state "on" indicator for a week if the
54 average rate of total unemployment in the state, as determined by the
55 United States Secretary of Labor, for the period consisting of the most
56 recent three months for which data for all states are published before
57 the close of such week (A) equals or exceeds six and one-half per cent,
58 and (B) equals or exceeds one hundred ten per cent of such average for
59 either or both of the corresponding three-month periods ending in the
60 two preceding calendar years.

61 ~~[(4)]~~ (6) There is a state "off" indicator for a week only if, for the
62 period consisting of such week and the immediately preceding twelve
63 weeks, none of the options specified in [subdivisions] subdivision (2),
64 [and] (3), (4) or (5) of this section result in an "on" indicator.

65 ~~[(5)]~~ (7) "Rate of insured unemployment", for the purposes of
66 subdivisions (2) and (3) of this subsection, means the percentage
67 derived by dividing (A) the average weekly number of individuals
68 filing claims for regular benefits in this state for weeks of
69 unemployment with respect to the most recent thirteen-consecutive-
70 week period, as determined by the administrator on the basis of his
71 reports to the United States Secretary of Labor, by (B) the average
72 monthly employment covered under the provisions of this chapter, for
73 the first four of the most recent six completed calendar quarters ending
74 before the end of such thirteen-week period.

75 ~~[(6)]~~ (8) "Regular benefits" means benefits payable to an individual
76 under this chapter, or under any other state law, including benefits
77 payable to federal civilian employees and to ex-servicemen pursuant
78 to 5 USC Chapter 85, other than extended benefits and additional
79 benefits.

80 [(7)] (9) "Extended benefits" means benefits, including benefits
81 payable to federal civilian employees and to ex-servicemen pursuant
82 to 5 USC Chapter 85, payable to an individual under the provisions of
83 subsection (d) of section 31-222 and sections 31-231b, 31-232a to 31-
84 232k, inclusive, 31-236(a)(8) and 31-250 for weeks of unemployment in
85 his eligibility period.

86 [(8)] (10) "Additional benefits" means benefits payable to exhaustees
87 by reason of conditions of high unemployment or by reason of other
88 special factors under the provisions of section 31-232a.

89 [(9)] (11) "Eligibility period" of an individual means the period
90 consisting of the weeks in his benefit year which begin in an extended
91 benefit period and, if his benefit year ends within such extended
92 benefit period, any weeks thereafter which begin in such period.

93 [(10)] (12) "Exhaustee" means an individual who, with respect to any
94 week of unemployment in his eligibility period: (A) Has received,
95 prior to such week, all of the regular benefits that were available to
96 him under this chapter, or any other state law, including dependents'
97 allowances and benefits payable to federal civilian employees and ex-
98 servicemen under 5 USC Chapter 85, in his current benefit year that
99 includes such week; provided, for the purposes of this subparagraph,
100 an individual shall be deemed to have received all of the regular
101 benefits that were available to him although, as a result of a pending
102 appeal with respect to wages or employment or both that were not
103 considered in the original monetary determination in his benefit year,
104 he may subsequently be determined to be entitled to added regular
105 benefits; or (B) his benefit year having expired prior to such week, has
106 no, or insufficient, wages or employment or both on the basis of which
107 he could establish a new benefit year that would include such week;
108 and (C) (i) has no right to unemployment benefits or allowances, as the
109 case may be, under the Railroad Unemployment Insurance Act, the
110 Trade Expansion Act of 1962, the Automotive Products Trade Act of
111 1965 and such other federal laws as are specified in regulations issued

112 by the United States Secretary of Labor; and (ii) has not received and is
113 not seeking unemployment benefits under the unemployment
114 compensation law of the Virgin Islands or of Canada, provided that
115 the reference to the Virgin Islands shall be inapplicable effective on the
116 day after the day on which the United States Secretary of Labor
117 approves under Section 3304(a) of the Internal Revenue Code of 1986,
118 or any subsequent corresponding internal revenue code of the United
119 States, as from time to time amended, an unemployment compensation
120 law submitted to the Secretary by the Virgin Islands for approval; but,
121 if he is seeking such benefits and the appropriate agency finally
122 determines that he is not entitled to benefits under such law, he is
123 considered an exhaustee.

124 [(11)] (13) "State law" means the unemployment insurance law of
125 any state, approved by the United States Secretary of Labor under
126 Section 3304 of the Internal Revenue Code of 1986, or any subsequent
127 corresponding internal revenue code of the United States, as from time
128 to time amended.

129 [(12)] (14) "High unemployment period" means any period during
130 which an extended benefit period would be in effect if subparagraph
131 (A) of subdivision (3), subparagraph (B) of subdivision (4) or
132 subparagraph (A) of subdivision (5) of subsection (a) of this section
133 were applied by substituting eight per cent for six and one-half per
134 cent.

135 (b) "Wages" means all remuneration for employment as defined in
136 subsection (b) of section 31-222.

137 (c) "Administrator" means the Labor Commissioner, as defined in
138 subsection (c) of section 31-222.

139 Sec. 2. Section 31-232d of the general statutes is repealed and the
140 following is substituted in lieu thereof (*Effective from passage*):

141 An individual shall be eligible to receive extended benefits with

142 respect to any week of unemployment in his eligibility period only if
143 the administrator finds that with respect to such week: (a) He is an
144 "exhaustee" as defined in subdivision (12) of subsection (a) of section
145 31-232b, as amended by this act; [(a)(9);] (b) he has satisfied the
146 requirements of this chapter, for the receipt of regular benefits that are
147 applicable to individuals claiming extended benefits, including not
148 being subject to a disqualification for the receipt of benefits, except
149 where such requirements are inconsistent with the requirements of
150 subdivisions (c) and (d) of this section; (c) he has been paid wages, by
151 an employer subject to the provisions of this chapter, during the base
152 period of his applicable benefit year (1) in an amount equal to at least
153 one and one-half times the wages paid during that quarter of the base
154 period of his applicable benefit year in which such wages were
155 highest, (2) in an amount equal to at least forty times his most recent
156 weekly benefit amount, including dependents' allowances, or (3) for
157 twenty different weeks; and (d) he has not been found ineligible for
158 failure to apply for or accept suitable work or for failure to actively
159 seek work, as provided in section 31-232l.

160 Sec. 3. Subsection (b) of section 31-232f of the general statutes is
161 repealed and the following is substituted in lieu thereof (*Effective from*
162 *passage*):

163 (b) With respect to weeks of unemployment which begin in a high
164 unemployment period, as defined in subdivision [(12)] (14) of
165 subsection (a) of section 31-232b, as amended by this act, the total
166 extended benefit amount payable to any eligible individual with
167 respect to his benefit year shall be the least of the following amounts:
168 (1) Eighty per cent of the total amount of regular benefits, including
169 dependents' allowances, which were payable to him under this
170 chapter, in his applicable benefit year; and (2) twenty times his average
171 weekly benefit amount, including dependents' allowances, which was
172 payable to him under this chapter, for a week of total unemployment
173 in the applicable benefit year.

174 Sec. 4. Section 31-232g of the general statutes is repealed and the
175 following is substituted in lieu thereof (*Effective from passage*):

176 (a) Whenever an extended benefit period is to become effective or is
177 to be terminated in this state, the administrator shall make an
178 appropriate public announcement.

179 (b) Computations required by the provisions of subdivision (6) of
180 subsection (a) of section 31-232b, as amended by this act, [(a)(4)] shall
181 be made by the administrator, in accordance with regulations
182 prescribed by the United States Secretary of Labor.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	31-232b
Sec. 2	<i>from passage</i>	31-232d
Sec. 3	<i>from passage</i>	31-232f(b)
Sec. 4	<i>from passage</i>	31-232g

Statement of Purpose:

To temporarily modify provisions concerning unemployment extended benefits "on" and "off" indicators to allow for a three-year look-back period rather than a two-year look-back period.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]