



General Assembly

Substitute Bill No. 936

January Session, 2011

* _____SB00936APP__042611_____*

**AN ACT EXTENDING THE LOOK-BACK PERIOD TO DETERMINE
ELIGIBILITY FOR UNEMPLOYMENT COMPENSATION EXTENDED
BENEFITS.**

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 Section 31-232b of the general statutes is repealed and the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, as amended by this act, [31-236(a)(8)]
5 subdivision (8) of subsection (a) of section 31-236 and section 31-250,
6 unless the context clearly requires 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) Notwithstanding the provisions of subdivisions (2) and (3) of
35 this subsection, with respect to benefits for weeks of unemployment
36 (A) beginning after December 17, 2010, and ending on or before
37 December 31, 2011, or (B) established in federal law permitting this
38 subdivision for which there is one hundred per cent federal sharing
39 authorized by federal law, there is a state "on" indicator for a week if
40 the average rate of total unemployment in the state, as determined by
41 the United States Secretary of Labor, for the period consisting of the
42 most recent three months for which data for all states are published
43 before the close of such week (i) equals or exceeds six and one-half per
44 cent, and (ii) equals or exceeds one hundred ten per cent of such
45 average for any or all of the corresponding three-month periods
46 ending in the three preceding calendar years.

47 [(4)] (5) There is a state "off" indicator for a week only if, for the
48 period consisting of such week and the immediately preceding twelve
49 weeks, none of the options specified in subdivisions (2) and (3) of this
50 section result in an "on" indicator.

51 [(5)] (6) "Rate of insured unemployment", for the purposes of
52 subdivisions (2) and (3) of this subsection, means the percentage
53 derived by dividing (A) the average weekly number of individuals
54 filing claims for regular benefits in this state for weeks of
55 unemployment with respect to the most recent thirteen-consecutive-
56 week period, as determined by the administrator on the basis of his
57 reports to the United States Secretary of Labor, by (B) the average
58 monthly employment covered under the provisions of this chapter, for
59 the first four of the most recent six completed calendar quarters ending
60 before the end of such thirteen-week period.

61 [(6)] (7) "Regular benefits" means benefits payable to an individual
62 under this chapter, or under any other state law, including benefits
63 payable to federal civilian employees and to ex-servicemen pursuant
64 to 5 USC Chapter 85, other than extended benefits and additional
65 benefits.

66 [(7)] (8) "Extended benefits" means benefits, including benefits
67 payable to federal civilian employees and to ex-servicemen pursuant
68 to 5 USC Chapter 85, payable to an individual under the provisions of
69 subsection (d) of section 31-222 and sections 31-231b, 31-232a to 31-
70 232k, inclusive, as amended by this act, [31-236(a)(8)] subdivision (8) of
71 subsection (a) of section 31-236 and section 31-250 for weeks of
72 unemployment in his eligibility period.

73 [(8)] (9) "Additional benefits" means benefits payable to exhaustees
74 by reason of conditions of high unemployment or by reason of other
75 special factors under the provisions of section 31-232a.

76 [(9)] (10) "Eligibility period" of an individual means the period
77 consisting of the weeks in his benefit year which begin in an extended
78 benefit period and, if his benefit year ends within such extended
79 benefit period, any weeks thereafter which begin in such period.

80 [(10)] (11) "Exhaustee" means an individual who, with respect to any
81 week of unemployment in his eligibility period: (A) Has received,
82 prior to such week, all of the regular benefits that were available to

83 him under this chapter, or any other state law, including dependents'
84 allowances and benefits payable to federal civilian employees and ex-
85 servicemen under 5 USC Chapter 85, in his current benefit year that
86 includes such week; provided, for the purposes of this subparagraph,
87 an individual shall be deemed to have received all of the regular
88 benefits that were available to him although, as a result of a pending
89 appeal with respect to wages or employment or both that were not
90 considered in the original monetary determination in his benefit year,
91 he may subsequently be determined to be entitled to added regular
92 benefits; or (B) his benefit year having expired prior to such week, has
93 no, or insufficient, wages or employment or both on the basis of which
94 he could establish a new benefit year that would include such week;
95 and (C) (i) has no right to unemployment benefits or allowances, as the
96 case may be, under the Railroad Unemployment Insurance Act, the
97 Trade Expansion Act of 1962, the Automotive Products Trade Act of
98 1965 and such other federal laws as are specified in regulations issued
99 by the United States Secretary of Labor; and (ii) has not received and is
100 not seeking unemployment benefits under the unemployment
101 compensation law of the Virgin Islands or of Canada, provided that
102 the reference to the Virgin Islands shall be inapplicable effective on the
103 day after the day on which the United States Secretary of Labor
104 approves under Section 3304(a) of the Internal Revenue Code of 1986,
105 or any subsequent corresponding internal revenue code of the United
106 States, as from time to time amended, an unemployment compensation
107 law submitted to the Secretary by the Virgin Islands for approval; but,
108 if he is seeking such benefits and the appropriate agency finally
109 determines that he is not entitled to benefits under such law, he is
110 considered an exhaustee.

111 [(11)] (12) "State law" means the unemployment insurance law of
112 any state, approved by the United States Secretary of Labor under
113 Section 3304 of the Internal Revenue Code of 1986, or any subsequent
114 corresponding internal revenue code of the United States, as from time
115 to time amended.

116 [(12)] (13) "High unemployment period" means any period during

117 which an extended benefit period would be in effect if subparagraph
118 (A) of subdivision (3) of subsection (a) of this section were applied by
119 substituting eight per cent for six and one-half per cent.

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

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

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

126 An individual shall be eligible to receive extended benefits with
127 respect to any week of unemployment in his eligibility period only if
128 the administrator finds that with respect to such week: (a) He is an
129 "exhaustee" as defined in subdivision (11) of subsection (a) of section
130 31-232b, [(a)[(9)] as amended by this act; (b) he has satisfied the
131 requirements of this chapter, for the receipt of regular benefits that are
132 applicable to individuals claiming extended benefits, including not
133 being subject to a disqualification for the receipt of benefits, except
134 where such requirements are inconsistent with the requirements of
135 subdivisions (c) and (d) of this section; (c) he has been paid wages, by
136 an employer subject to the provisions of this chapter, during the base
137 period of his applicable benefit year (1) in an amount equal to at least
138 one and one-half times the wages paid during that quarter of the base
139 period of his applicable benefit year in which such wages were
140 highest, (2) in an amount equal to at least forty times his most recent
141 weekly benefit amount, including dependents' allowances, or (3) for
142 twenty different weeks; and (d) he has not been found ineligible for
143 failure to apply for or accept suitable work or for failure to actively
144 seek work, as provided in section 31-232l.

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

148 (b) With respect to weeks of unemployment which begin in a high
149 unemployment period, as defined in subdivision [(12)] (13) of
150 subsection (a) of section 31-232b, as amended by this act, the total
151 extended benefit amount payable to any eligible individual with
152 respect to his benefit year shall be the least of the following amounts:
153 (1) Eighty per cent of the total amount of regular benefits, including
154 dependents' allowances, which were payable to him under this
155 chapter, in his applicable benefit year; and (2) twenty times his average
156 weekly benefit amount, including dependents' allowances, which was
157 payable to him under this chapter, for a week of total unemployment
158 in the applicable benefit year.

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

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

164 (b) Computations required by the provisions of subdivision (5) of
165 subsection (a) section 31-232b, [(a) (4)] as amended by this act, shall be
166 made by the administrator, in accordance with regulations prescribed
167 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

LAB *Joint Favorable Subst.*

APP *Joint Favorable*