



Substitute Senate Bill No. 936

Public Act No. 11-87

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:

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 Section 31-232b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

As used in subsection (d) of section 31-222 and sections 31-231b, 31-232a to 31-232k, inclusive, as amended by this act, [31-236(a)(8)] subdivision (8) of subsection (a) of section 31-236 and section 31-250, unless the context clearly requires otherwise:

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

(2) With respect to benefits for weeks of unemployment beginning

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after September 26, 1982, there is a state "on" indicator for a week if, for the period consisting of such week and the immediately preceding twelve weeks, the rate of insured unemployment, as defined in subdivision [(4)] (7) of this subsection, (A) equaled or exceeded five per cent and equaled or exceeded one hundred twenty per cent of the average of such rates for the corresponding thirteen-week period ending in each of the preceding two calendar years, or (B) equaled or exceeded six per cent.

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

(4) Notwithstanding the provisions of subdivision (2) of this subsection, with respect to benefits for weeks of unemployment (A) beginning after December 17, 2010, and ending on or before December 31, 2011, or (B) beginning after the date established in federal law permitting this subdivision for which there is one hundred per cent federal sharing authorized by federal law, there is a state "on" indicator for a week if, for the period consisting of such week and the immediately preceding twelve weeks, the rate of insured unemployment, as defined in subdivision (7) of this subsection, (i) equaled or exceeded five per cent and equaled or exceeded one hundred twenty per cent of the average of such rates for the corresponding thirteen-week period ending in each of the preceding three calendar years, or (ii) equaled or exceeded six per cent.

(5) Notwithstanding the provisions of subdivision (3) of this

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subsection, with respect to benefits for weeks of unemployment (A) beginning after December 17, 2010, and ending on or before December 31, 2011, or (B) beginning after the date established in federal law permitting this subdivision for which there is one hundred per cent federal sharing authorized by federal law, there is a state "on" indicator for a week if the average rate of total unemployment in the state, as determined by the United States Secretary of Labor, for the period consisting of the most recent three months for which data for all states are published before the close of such week (i) equals or exceeds six and one-half per cent, and (ii) equals or exceeds one hundred ten per cent of such average for any or all of the corresponding three-month periods ending in the three preceding calendar years.

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

[(5)] (7) "Rate of insured unemployment", for the purposes of subdivisions (2) and [(3)] (4) of this subsection, means the percentage derived by dividing (A) the average weekly number of individuals filing claims for regular benefits in this state for weeks of unemployment with respect to the most recent thirteen-consecutive-week period, as determined by the administrator on the basis of his reports to the United States Secretary of Labor, by (B) the average monthly employment covered under the provisions of this chapter, for the first four of the most recent six completed calendar quarters ending before the end of such thirteen-week period.

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

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

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

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

[(10)] (12) "Exhaustee" means an individual who, with respect to any week of unemployment in his eligibility period: (A) Has received, prior to such week, all of the regular benefits that were available to him under this chapter, or any other state law, including dependents' allowances and benefits payable to federal civilian employees and ex-servicemen under 5 USC Chapter 85, in his current benefit year that includes such week; provided, for the purposes of this subparagraph, an individual shall be deemed to have received all of the regular benefits that were available to him although, as a result of a pending appeal with respect to wages or employment or both that were not considered in the original monetary determination in his benefit year, he may subsequently be determined to be entitled to added regular benefits; or (B) his benefit year having expired prior to such week, has no, or insufficient, wages or employment or both on the basis of which he could establish a new benefit year that would include such week; and (C) (i) has no right to unemployment benefits or allowances, as the case may be, under the Railroad Unemployment Insurance Act, the

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Trade Expansion Act of 1962, the Automotive Products Trade Act of 1965 and such other federal laws as are specified in regulations issued by the United States Secretary of Labor; and (ii) has not received and is not seeking unemployment benefits under the unemployment compensation law of the Virgin Islands or of Canada, provided that the reference to the Virgin Islands shall be inapplicable effective on the day after the day on which the United States Secretary of Labor approves under Section 3304(a) of the Internal Revenue Code of 1986, or any subsequent corresponding internal revenue code of the United States, as from time to time amended, an unemployment compensation law submitted to the Secretary by the Virgin Islands for approval; but, if he is seeking such benefits and the appropriate agency finally determines that he is not entitled to benefits under such law, he is considered an exhaustee.

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

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

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

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

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

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An individual shall be eligible to receive extended benefits with respect to any week of unemployment in his eligibility period only if the administrator finds that with respect to such week: [(a)] (1) He is an "exhaustee", as defined in subdivision (12) of subsection (a) of section 31-232b, [(a)(9)] as amended by this act; [(b)] (2) he has satisfied the requirements of this chapter, for the receipt of regular benefits that are applicable to individuals claiming extended benefits, including not being subject to a disqualification for the receipt of benefits, except where such requirements are inconsistent with the requirements of subdivisions [(c) and (d)] (3) and (4) of this section; [(c)] (3) he has been paid wages, by an employer subject to the provisions of this chapter, during the base period of his applicable benefit year [(1)] (A) in an amount equal to at least one and one-half times the wages paid during that quarter of the base period of his applicable benefit year in which such wages were highest, [(2)] (B) in an amount equal to at least forty times his most recent weekly benefit amount, including dependents' allowances, or [(3)] (C) for twenty different weeks; and [(d)] (4) he has not been found ineligible for failure to apply for or accept suitable work or for failure to actively seek work, as provided in section 31-232l.

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

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

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weekly benefit amount, including dependents' allowances, which was payable to him under this chapter, for a week of total unemployment in the applicable benefit year.

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

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

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

Approved July 8, 2011