



General Assembly

Amendment

January Session, 2011

LCO No. 5104

SB0093605104SD0

Offered by:

SEN. PRAGUE, 19th Dist.

REP. ZALASKI, 81st Dist.

To: Subst. Senate Bill No. 936

File No. 63

Cal. No. 75

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

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

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 Section 31-232b of the general statutes is repealed and the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

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

9 (a) (1) "Extended benefit period" means a period which (A) begins
10 with the third week after a week for which there is a state "on"
11 indicator; and (B) ends with either of the following weeks, whichever
12 occurs later: (i) The third week after the first week for which there is a

13 state "off" indicator; or (ii) the thirteenth consecutive week of such
14 period; provided no extended benefit period may begin by reason of a
15 state "on" indicator before the fourteenth week following the end of a
16 prior extended benefit period which was in effect with respect to this
17 state.

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

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

36 (4) Notwithstanding the provisions of subdivision (2) of this
37 subsection, with respect to benefits for weeks of unemployment (A)
38 beginning after December 17, 2010, and ending on or before December
39 31, 2011, or (B) beginning after the date established in federal law
40 permitting this subdivision for which there is one hundred per cent
41 federal sharing authorized by federal law, there is a state "on" indicator
42 for a week if, for the period consisting of such week and the
43 immediately preceding twelve weeks, the rate of insured
44 unemployment, as defined in subdivision (7) of this subsection, (i)
45 equaled or exceeded five per cent and equaled or exceeded one

46 hundred twenty per cent of the average of such rates for the
47 corresponding thirteen-week period ending in each of the preceding
48 three calendar years, or (ii) equaled or exceeded six per cent.

49 (5) Notwithstanding the provisions of subdivision (3) of this
50 subsection, with respect to benefits for weeks of unemployment (A)
51 beginning after December 17, 2010, and ending on or before December
52 31, 2011, or (B) beginning after the date established in federal law
53 permitting this subdivision for which there is one hundred per cent
54 federal sharing authorized by federal law, there is a state "on" indicator
55 for a week if the average rate of total unemployment in the state, as
56 determined by the United States Secretary of Labor, for the period
57 consisting of the most recent three months for which data for all states
58 are published before the close of such week (i) equals or exceeds six
59 and one-half per cent, and (ii) equals or exceeds one hundred ten per
60 cent of such average for any or all of the corresponding three-month
61 periods ending in the three preceding calendar years.

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

66 [(5)] (7) "Rate of insured unemployment", for the purposes of
67 subdivisions (2) and [(3)] (4) of this subsection, means the percentage
68 derived by dividing (A) the average weekly number of individuals
69 filing claims for regular benefits in this state for weeks of
70 unemployment with respect to the most recent thirteen-consecutive-
71 week period, as determined by the administrator on the basis of his
72 reports to the United States Secretary of Labor, by (B) the average
73 monthly employment covered under the provisions of this chapter, for
74 the first four of the most recent six completed calendar quarters ending
75 before the end of such thirteen-week period.

76 [(6)] (8) "Regular benefits" means benefits payable to an individual
77 under this chapter, or under any other state law, including benefits

78 payable to federal civilian employees and to ex-servicemen pursuant
79 to 5 USC Chapter 85, other than extended benefits and additional
80 benefits.

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

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

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

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

110 and (C) (i) has no right to unemployment benefits or allowances, as the
111 case may be, under the Railroad Unemployment Insurance Act, the
112 Trade Expansion Act of 1962, the Automotive Products Trade Act of
113 1965 and such other federal laws as are specified in regulations issued
114 by the United States Secretary of Labor; and (ii) has not received and is
115 not seeking unemployment benefits under the unemployment
116 compensation law of the Virgin Islands or of Canada, provided that
117 the reference to the Virgin Islands shall be inapplicable effective on the
118 day after the day on which the United States Secretary of Labor
119 approves under Section 3304(a) of the Internal Revenue Code of 1986,
120 or any subsequent corresponding internal revenue code of the United
121 States, as from time to time amended, an unemployment compensation
122 law submitted to the Secretary by the Virgin Islands for approval; but,
123 if he is seeking such benefits and the appropriate agency finally
124 determines that he is not entitled to benefits under such law, he is
125 considered an exhaustee.

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

131 [(12)] (14) "High unemployment period" means any period during
132 which an extended benefit period would be in effect if subparagraph
133 (A) of subdivision (3) of this subsection [(a) of this section] were
134 applied by substituting eight per cent for six and one-half per 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)] (1) He is an
144 "exhaustee", as defined in subdivision (12) of subsection (a) of section
145 31-232b, [(a)(9)] as amended by this act; [(b)] (2) 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)] (3) and (4) of this section; [(c)] (3) he has been
151 paid wages, by an employer subject to the provisions of this chapter,
152 during the base period of his applicable benefit year [(1)] (A) in an
153 amount equal to at least one and one-half times the wages paid during
154 that quarter of the base period of his applicable benefit year in which
155 such wages were highest, [(2)] (B) in an amount equal to at least forty
156 times his most recent weekly benefit amount, including dependents'
157 allowances, or [(3)] (C) for twenty different weeks; and [(d)] (4) he has
158 not been found ineligible for failure to apply for or accept suitable
159 work or for failure to actively seek work, as provided in section 31-
160 232l.

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

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

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

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

180 (b) Computations required by the provisions of subdivision (6) of
 181 subsection (a) of section 31-232b, as amended by this act, [(a)(4)] shall
 182 be made by the administrator, in accordance with regulations
 183 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