

35A-4-106 Reciprocal arrangements with other jurisdictions.

- (1) The division is authorized to enter into reciprocal arrangements with appropriate and authorized agencies of other states or of the federal government, or both, in accordance with Subsections (1)(a) through (d):
 - (a) Services performed by an individual for a single employing unit for which services are customarily performed in more than one state shall be considered to be services performed entirely within any one of the states:
 - (i) in which any part of the individual's service is performed;
 - (ii) in which the individual has the individual's residence; or
 - (iii) in which the employing unit maintains a place of business, if there is in effect, as to such services, an election, approved by the agency charged with the administration of such state's unemployment compensation law, pursuant to which all the services performed by the individual for the employing unit are considered to be performed entirely within the state.
 - (b) The division shall participate in any arrangements for the payment of benefits on the basis of combining an individual's wages and employment covered under this chapter with the individual's wages and employment covered under the unemployment compensation laws of other states that:
 - (i) are approved by the Secretary of Labor in consultation with the state unemployment compensation agencies as reasonably calculated to assure the prompt and full payment of compensation in such situations; and
 - (ii) include provisions for:
 - (A) applying the base period of a single state law to a claim involving the combining of an individual's wages and employment covered under two or more state unemployment compensation laws; and
 - (B) avoiding the duplicate use of wages and employment by reason of such combining.
 - (c)
 - (i) Wages or services, upon the basis of which an individual may become entitled to benefits under an unemployment compensation law of another state or of the federal government, shall be considered to be wages for insured work for the purpose of determining the individual's rights to benefits under this chapter.
 - (ii) Wages for insured work, on the basis of which an individual may become entitled to benefits under this chapter shall be considered to be wages or services on the basis of which unemployment compensation under the law of another state or of the federal government is payable.
 - (iii) An arrangement may not be entered into unless it contains provisions for reimbursements:
 - (A) to the fund for the benefits paid under this chapter upon the basis of such wages or services; and
 - (B) from the fund for such of the compensation paid under the other law upon the basis of wages for insured work, as the director of the division finds will be fair and reasonable as to all affected interests.
 - (d)
 - (i) Contributions due under this chapter with respect to wages for insured work shall, for the purposes of Section 35A-4-305, be considered to have been paid to the fund as of the date payment was made as contributions therefor under another state or Federal Unemployment Compensation Law.
 - (ii) An arrangement may not be entered into unless it contains provisions for the reimbursement to the fund of the contributions and the actual earnings thereon as the director of the division finds will be fair and reasonable as to all affected interests.

- (2)
 - (a) Reimbursement paid from the fund pursuant to Subsection (1)(c) shall be considered to be benefits for the purpose of Sections 35A-4-401 and 35A-4-501.
 - (b) The division is authorized to make to other state or federal agencies and to receive from other state or federal agencies reimbursements from or to the fund in accordance with arrangements entered into pursuant to Subsection (1).
- (3)
 - (a) The administration of this chapter and of other state and federal unemployment compensation and public employment service laws will be promoted by cooperation between this state and the other states and the appropriate federal agencies in exchanging services, and making available facilities and information.
 - (b) The division is authorized to make investigations, secure and transmit information, make available services and facilities, and exercise other powers provided in this chapter with respect to the administration of this chapter as it considers necessary or appropriate to facilitate the administration of any unemployment compensation or public employment service law, and in like manner, to accept and use information, services and facilities made available to this state by the agency charged with the administration of any other unemployment compensation or public employment service law.
- (4) To the extent permissible under the laws and Constitution of the United States, the director of the division is authorized to enter into or cooperate in arrangements whereby facilities and services provided under this chapter and facilities and services provided under the unemployment compensation law of any foreign government, may be utilized for the taking of claims and the payment of benefits under this chapter or under a similar law of the foreign government.

Amended by Chapter 375, 1997 General Session