

EMPLOYMENT SECURITY ACT

MODIFICATIONS

2003 GENERAL SESSION

STATE OF UTAH

**Sponsor: Merlynn T. Newbold**

**This act amends the Employment Security Act by providing for additional unemployment compensation benefits for individuals who have exhausted their regular benefits. The act provides specific requirements to receive the additional benefits and a limit on the amount of benefits an individual can receive. The act sunsets Section 35A-4-402.5 on July 1, 2004.**

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

**63-55-235**, as last amended by Chapter 46, Laws of Utah 2001

ENACTS:

**35A-4-402.5**, Utah Code Annotated 1953

*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **35A-4-402.5** is enacted to read:

**35A-4-402.5. Additional benefits.**

(1) The eligibility provisions of this chapter and department rules which apply to claims for, or payments of, regular benefits apply to claims for, and payments of, additional unemployment compensation benefits, hereafter referred to in this section as "additional benefits," except when the result would be inconsistent with the other provisions of this section or the rules of the department.

(2) An individual is eligible to receive additional benefits if the individual:

(a) has received or exhausted all of the regular benefits that were available to the individual under this chapter or any other state law, including benefits payable to federal civilian employees and ex-servicemen under 5 U.S.C. Chapter 85. An individual, for the purposes of this Subsection (2)(a), is considered to have received all of the regular benefits that were available to the individual even though, 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 the individual's benefit year, the individual may subsequently be determined to be entitled to added regular benefits:

(b) has insufficient wages to establish a new benefit year or has sufficient wages but does not meet the subsequent qualifying provisions of Subsection 35A-4-403(1)(g);

(c) has no right to unemployment benefits or allowances, as the case may be, under the Railroad Unemployment Insurance Act, and has not received, and is not seeking, unemployment benefits under the unemployment compensation law of any other state, Washington D.C., the Virgin Islands, Puerto Rico, or Canada. If the individual is seeking those benefits and the appropriate agency finally determines that the individual is not entitled to benefits under that law, the individual may be eligible for additional benefits:

(d) filed an initial claim for regular benefits on or after March 15, 2001; and

(e) files an initial application for additional benefits on or after June 1, 2003, and on or before December 27, 2003, and has an effective date no later than December 21, 2003.

(3) (a) (i) The first payable week for additional benefits is the week beginning June 1, 2003.

(ii) The last payable week for additional benefits is the week beginning January 25, 2004.

(b) Notwithstanding Section 35A-4-402, "regular benefits" as used in this section 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 under 5 U.S.C. Chapter 85, other than extended benefits and additional benefits.

(4) (a) The weekly additional benefit amount is the same as the weekly regular benefit amount payable during the individual's applicable benefit year.

(b) The applicable benefit year means the benefit year for the most recent claim for regular benefits that was effective on or after March 15, 2001, for which the individual was monetarily eligible.

(5) The total additional benefit amount payable to any eligible individual is five times the individual's weekly regular benefit amount payable under this chapter for a week of total

unemployment in the applicable benefit year.

(6) An individual shall exhaust the individual's entitlement to benefits in the following order:

(a) regular benefits;

(b) Temporary Extended Unemployment Compensation, if available;

(c) extended benefits;

(d) additional benefits; and

(e) Trade Readjustment Allowances (TRA).

(7) TRA and additional benefits cannot be paid for the same week.

(8) (a) The division may not charge a contributing base employer's account with any portion of additional benefits paid to an individual under this section.

(b) Reimbursable and federal employers and branches of the military are not liable to pay the division for additional benefits.

Section 2. Section **63-55-235** is amended to read:

**63-55-235. Repeal dates, Title 35A.**

(1) Title 35A, Utah Workforce Services Code, is repealed July 1, 2005.

(2) Section 35A-3-114, the Displaced Homemaker Program, together with the provision for funding that program contained in Subsection 17-16-21(2)(b), is repealed July 1, 2007.

(3) Section 35A-4-402.5, the additional unemployment compensation benefits program, is repealed July 1, 2004.