

**UNEMPLOYMENT INSURANCE BENEFITS -
SOCIAL SECURITY BENEFITS OFFSET**

2004 GENERAL SESSION

STATE OF UTAH

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LONG TITLE

General Description:

This bill modifies the unemployment insurance benefits provision of the Employment Security Act.

Highlighted Provisions:

This bill:

- ▶ reduces the offset of Social Security benefits against weekly unemployment compensation from 100% to 50%; and
- ▶ provides that the reduced offset operates for a three-year period.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

35A-4-401, as last amended by Chapter 292, Laws of Utah 2000

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

Section 1. Section **35A-4-401** is amended to read:

35A-4-401. Benefits -- Weekly benefit amount -- Computation of benefits --

Department to prescribe rules -- Notification of benefits -- Bonuses.

(1) (a) Benefits are payable from the fund to any individual who is or becomes unemployed and eligible for benefits.

(b) All benefits shall be paid through the employment offices or other agencies designated by the division in accordance with the rules the department may prescribe.

(2) (a) An individual's "weekly benefit amount" is an amount equal to 1/26th, disregarding any fraction of \$1, of his total wages for insured work paid during that quarter of his base period in which the total wages were highest.

(b) The weekly benefit amount may not exceed the amount determined as follows:

(i) With respect to any individual whose benefit year commences on or after July 1, 1984, but prior to January 3, 1988, 60% of the "insured average weekly wage," disregarding any fraction of \$1, constitutes the maximum "weekly benefit amount" payable.

(ii) With respect to any individual whose benefit year commences on or after January 3, 1988, 60% of the "insured average fiscal year weekly wage" during the preceding fiscal year, e.g., fiscal year 1987 for individuals establishing benefit years in 1988, disregarding any fraction of \$1, constitutes the maximum "weekly benefit amount" payable.

(iii) With respect to any individual whose benefit year commences on or after January 1, 2001, 65% of the "insured average fiscal year weekly wage" during the preceding fiscal year, e.g., fiscal year 2000 for individuals establishing benefit years in 2001, disregarding any fraction of \$1, constitutes the maximum "weekly benefit amount" payable.

(c) (i) [The] Except as otherwise provided in Subsection (2)(c)(ii), the "weekly benefit amount" of an individual who is receiving, or who is eligible to receive, based upon the individual's previous employment, a pension, which includes a governmental, social security, or other pension, retirement or disability retirement pay, under a plan maintained or contributed to by a base-period employer is the "weekly benefit amount" which is computed under this section less 100% of such retirement benefits, that are attributable to a week, disregarding any fraction of \$1.

(ii) With respect to an individual whose benefit year begins after July 1, 2004, and ends on or before July 1, 2007, the "weekly benefit amount" of that individual, who is receiving or who is eligible to receive Social Security benefits based upon the individual's previous employment, is

the "weekly benefit amount" which is computed under this section less 50% of the individual's Social Security benefits that are attributable to the week, but not below zero.

(d) (i) The weekly benefit amount and the potential benefits payable to an individual who, subsequent to the commencement of his benefit year, becomes or is determined to be eligible to receive retirement benefits or increased retirement benefits, shall be recomputed effective with the first calendar week during his benefit year with respect to which he is eligible to receive retirement benefits or increased retirement benefits. The new weekly benefit amount shall be determined under this Subsection (2).

(ii) As recomputed the total benefits potentially payable, commencing with the effective date of the recomputation, shall be equal to the recomputed weekly benefit amount times the quotient obtained by dividing the potential benefits unpaid prior to the recomputation by the initial weekly benefit amount, disregarding fractions.

(3) Each eligible individual who is unemployed in any week shall be paid with respect to that week a benefit in an amount equal to the claimant's weekly benefit amount less that part of the claimant's wage payable to the claimant with respect to that week that is in excess of 30% of the claimant's weekly benefit amount. The resulting benefit payable shall disregard any fraction of \$1. For the purpose of this Subsection (3) "wages" does not include grants, earned or otherwise, paid to the claimant as public assistance.

(4) (a) Any otherwise eligible individual is entitled during any benefit year to a total amount of benefits determined by multiplying his weekly benefit amount times his potential duration.

(b) To determine an individual's potential duration, his total wages for insured work paid during his base period is multiplied by 27%, disregarding any fraction of \$1, and divided by his weekly benefit amount, disregarding any fraction, but not less than ten nor more than 26.

(5) (a) Notwithstanding any other provision of this chapter, the department in its discretion may by rule prescribe:

(i) that the existence of unemployment, eligibility for benefits, and the amount of benefits payable shall be determined in the case of any otherwise eligible claimant who, within a week or

other period of unemployment, is separated from or secures work on a regular attachment basis for that portion of the week or other period of unemployment occurring before or after separation from or securing of work; and

(ii) in the case of individuals working on a regular attachment basis, eligibility for benefits and the amount of benefits payable for periods of unemployment longer than a week.

(b) The rules promulgated shall be reasonably calculated to secure general results substantially similar to those provided by this chapter with respect to weeks of unemployment.

(6) The division shall, in all cases involving actual or potential disqualifying issues and prior to the payment of benefits to an eligible individual, notify the individual's most recent employer of the eligibility determination.

(7) Upon written request of an employee made under rules of the department, all remuneration for insured work paid to an employee during his base period in the form of a bonus or lump-sum payment shall, for benefit purposes, be apportioned to the calendar quarters in which the remuneration was earned.