

1 **UNEMPLOYMENT INSURANCE AMENDMENTS**

2 2021 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Jennifer Dailey-Provost**

5 Senate Sponsor: Karen Mayne

7 **LONG TITLE**

8 **General Description:**

9 This bill modifies provisions in the Employment Security Act.

10 **Highlighted Provisions:**

11 This bill:

12 ▶ requires certain small nonprofit organizations to notify an employee that the
13 employee will be unable to claim service performed for the nonprofit organization
14 as employment for the purpose of qualifying for unemployment insurance benefits;
15 and

16 ▶ makes technical changes.

17 **Money Appropriated in this Bill:**

18 None

19 **Other Special Clauses:**

20 None

21 **Utah Code Sections Affected:**

22 AMENDS:

23 **35A-4-313**, as renumbered and amended by Laws of Utah 1996, Chapter 240

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

26 Section 1. Section **35A-4-313** is amended to read:

27 **35A-4-313. Determination of employer and employment.**

28 (1) (a) The division or its authorized representatives may, upon its own motion or upon

29 application of an employing unit, determine whether an employing unit constitutes an employer
30 and whether services performed for, or in connection with the business of, an employer
31 constitute employment for the employing unit. [~~The determinations~~]

32 (b) A determination described in Subsection (1)(a) may constitute the basis for
33 determination of contribution liability under Subsection 35A-4-305(2) and be subject to review
34 and appeal as provided.

35 (2) Pursuant to Subsection 35A-4-204(2)(e), if the division or the division's authorized
36 representatives determine that services performed for, or in connection with the business of, a
37 religious, charitable, educational, or other organization do not constitute employment for an
38 employer:

39 (a) the religious, charitable, educational, or other organization shall notify a
40 prospective employee, at the time an offer of employment is made, that the employee will be
41 unable to claim the service as employment for the purpose of qualifying for unemployment
42 benefits under this chapter; and

43 (b) the division shall notify the religious, charitable, educational, or other organization
44 of the requirement described in Subsection (2)(a).

45 (3) Pursuant to Subsection 35A-4-204(2)(e), if the division or the division's authorized
46 representatives determine that the status of whether services performed for, or in connection
47 with the business of, a religious, charitable, educational, or other organization has changed
48 regarding whether the services constitute employment for an employer:

49 (a) the religious, charitable, educational, or other organization shall notify each current
50 employee of the change in status regarding whether the employee will be able or unable to
51 claim the service as employment for the purpose of qualifying for unemployment benefits
52 under this chapter; and

53 (b) the division shall notify the religious, charitable, educational, or other organization
54 of the requirement described in Subsection (3)(a).