

**Representative Jennifer Dailey-Provost** proposes the following substitute bill:

**UNEMPLOYMENT INSURANCE AMENDMENTS**

2021 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Jennifer Dailey-Provost**

Senate Sponsor: Karen Mayne

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**LONG TITLE**

**General Description:**

This bill modifies provisions in the Employment Security Act.

**Highlighted Provisions:**

This bill:

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

▶ makes technical changes

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

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

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*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).