

Laid Off and Left Out

**Part-Time Workers and Unemployment Insurance Eligibility:
How States Treat Part-Time Workers and
Why UI Programs Should Include Them**

A Report by

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The National Employment Law Project

National Employment Law Project is a policy and legal advocacy organization concentrating on issues affecting low-wage and unemployed workers. NELP is based in New York City. For more information about this report you should contact Rick McHugh, staff attorney and Midwest Coordinator, at rmchugh@nelp.org/ or 734/426-6773. For more information about NELP, visit our web site at www.nelp.org.

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The Program on Gender, Work & Family is a research and advocacy center, based at American University, Washington College of Law, funded by the Alfred P. Sloan Foundation, the Washington College of Law, and the AAUW Educational Foundation's Scholar-in-Residence Program. It is dedicated to decreasing the economic vulnerability of parents and children by restructuring the workplace around the values people hold in family life. For more information about this report, you may contact Nancy Segal, Legal Director, at nesegal@wcl.american.edu. For more information about the Program on Gender, Work & Family, visit our web site at www.wcl.american.edu/gender/workfamily.

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Executive Summary

This report provides a comprehensive state-by-state analysis of the unemployment insurance (UI) eligibility of part-time workers, based on our in-depth legal research, past surveys of state agency administrators by GAO and the Advisory Council on Unemployment Compensation, and direct contact with select state UI agencies. Appendix I provides a broad overview of the state-by-state results. Appendix II identifies the statutes, regulations, judicial decisions, and administrative rulings that pertain to part-time UI eligibility in each state. In addition to reporting on existing state UI eligibility rules, we discuss their adverse impact on women, low-income, and disabled workers as well as advocate for expanding UI eligibility for part-time workers. Finally, we discuss state reform efforts and UI policies that will expand UI programs to include part-time workers.

This report finds that restrictive state eligibility rules result in a far smaller proportion of laid off part-time workers being paid UI benefits as compared to involuntarily unemployed full-time workers. These restrictive policies have the greatest impact on women, low-wage, and disabled workers. However, while a majority of states have restrictive eligibility rules for part-time workers, we find that 20 states have favorable policies toward part-time workers. Of these, seven states pay UI benefits to part-time workers under essentially the same rules that apply to full-time workers. The other 12 favorable states pay UI benefits under rules that look either to a claimant's past history of part-time work, or focus on good cause for an individual to restrict his or her availability to part-time work. California pays UI benefits on the basis of both good cause and past history of part-time work.

The fact that a significant number of states pay UI benefits to many or most of their part-time workers furnishes significant evidence that treating part-time workers fairly in the remainder of states would not place an undue burden on UI programs in those states. In the eight most favorable states, laid off part-time workers are required to demonstrate that they are available for a significant number of jobs in their local labor markets—in other words, the same availability rules that apply to full-time workers.

Currently, UI restrictions based on part-time work are being broadly questioned, with reform campaigns to repeal or modify them underway in a number of state legislatures and in Congress. In fact, California and Minnesota passed favorable part-time legislation in 2001. Reform campaigns are underway in Arizona, Illinois, Maine, New Hampshire, New Mexico, and Wisconsin.

The time has come for Congress and states to remove unwarranted restrictions faced by part-time workers. Given the hardships experienced by working families when unemployed wage earners are denied UI benefits, part-time workers should be placed on the same footing with other UI claimants in terms of UI eligibility rules. Moreover, the restrictions currently faced by part-time workers seeking UI are out-dated and unfairly penalize the most vulnerable workers in the economy. A model approach would be to remove restrictions to eligibility for benefits based on part-time work. Another approach, as reflected in the California statute passed last year, would provide benefits to part-time workers based on work history and good cause.

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Part-Time Work and Unemployment Insurance Policies:
How States Treat Part-Time Workers and Why UI Programs Should Include Them**

Introduction

Unemployment insurance (UI) is the primary safety net for laid off workers, replacing part of a worker's lost income during periods of unemployment. Roughly half of all unemployed workers are expected to receive UI benefits in this recession. However, because of restrictive unemployment insurance eligibility rules, a far smaller proportion of laid off part-time workers will receive UI benefits as compared to unemployed full-time workers. While historically, part-time workers comprised a small fraction of the workforce, part-time work has expanded to become a significant feature of today's economy, resulting from the substantial increase in working women (and more notably working mothers) over the last several decades and greater employer reliance upon part-time jobs. Part-time employees now comprises approximately 17 percent of the workforce and include some of the most vulnerable workers in the economy: mothers, low income workers and individuals with disabilities. These changes in the US labor market, coupled with recent policies that encourage low wage women to leave welfare, mean that Congress and state legislatures should work to repair the holes in the safety net by eliminating these restrictive UI eligibility provisions. Part-time workers should be afforded the protections they have earned and deserve.

This report provides a comprehensive state-by-state analysis of the unemployment insurance eligibility of part-time workers, based on our in-depth legal research, past surveys of state agency administrators by GAO and the Advisory Council on Unemployment Compensation, and direct contact with select state UI agencies. Appendix I provides a broad overview of the state-by-state results. Appendix II identifies the statutes, regulations, judicial decisions, and administrative rulings that pertain to part-time UI eligibility in each state. In addition to reporting on existing state UI eligibility rules, we discuss their adverse impact on women, low-income, and disabled workers as well as advocate for expanding UI eligibility for part-time workers. Finally, we discuss state reform efforts and UI policies that will expand UI programs to include part-time workers.

Research Methodology: State UI Rules and Practices

The findings in this report are based on an analysis of state UI statutes, regulations, judicial decisions and administrative rulings. In addition, we reviewed data from a number of legal databases and publications, as well as past surveys of state agency administrators by GAO and the Advisory Council on Unemployment Compensation. Finally, we directly contacted select state UI agencies regarding how they would decide UI eligibility issues for part-time workers.

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Overview: UI Eligibility for Part-Time Workers

The majority of states (29) exclude part-time workers from eligibility for UI benefits—even when a worker’s earnings meet state UI monetary eligibility rules and his/her wages are subject to UI payroll taxes.¹ We find that, in contrast to these 29 states, eight states’ UI programs treat unemployed part-time workers the same as unemployed full-time workers in terms of UI eligibility. That is, laid off part-time workers in these eight states are treated comparable to full-time workers. In these eight states (California, Delaware, Kansas, Nebraska, Pennsylvania, South Dakota, Vermont, and Wyoming) unemployed workers may receive UI benefits while seeking less than full-time work, so long as they demonstrate availability for a sufficient numbers of jobs to show labor market attachment.

Twenty states maintain favorable policies toward laid off part-time workers. Of these, eight states pay UI benefits to part-time workers in most circumstances. Another 12 states provide benefits to part-time workers based on work history or good cause.

An additional twelve states (Arkansas, Colorado, District of Columbia, Florida, Hawaii, Iowa, Louisiana, Minnesota, New York, Oklahoma, Puerto Rico, and Rhode Island) have policies for part-time workers that are favorable but not equitable. These states pay UI benefits to unemployed workers searching for part-time work provided they have a history of part-time work or they can show good cause for limiting their availability to part-time work. Although these 12 states fall short of the parity for part-time workers found in the eight most expansive states, these states have policies that are favorable toward part-time workers.

Finally, four states (Illinois, Massachusetts, Montana, New Jersey) permit limited UI eligibility for part-time workers. These states have fairly restrictive policies with limited eligibility under special circumstances.

In short, 29 states provide unfavorable policies toward laid off part-time workers, as compared to the 20 states with part-time eligibility policies in place (with 4 states providing limited or restricted eligibility). Appendix I summarizes the breakdown of states’ treatment of UI eligibility for part-time workers. Appendix II furnishes detailed information regarding each state’s UI eligibility rules for all 53 state UI programs.

Impact of Restricting Part-Time UI Eligibility

When the UI system was first designed in 1935, it was assumed that men worked full-time to support their families, while women stayed at home to fulfill family care and household responsibilities. Past defenders of the exclusion of part-time workers from UI eligibility have explicitly relied upon the rationale that part-time women workers were not working to support their families. While this misconception about part-time workers is rarely articulated in the contemporary debate about part-time UI eligibility, the origin of these restrictive policies is relevant when their continuation is under consideration. In terms of the contemporary labor market, the rationale underlying the exclusion of part-time workers from UI has no continuing validity.

Perhaps more than any other group, part-time workers suffer as the result of outdated UI eligibility rules based upon the misconception that part-time workers merely supplement family income. If this concept of part-time work were ever true, it is certainly false now. In households with a part-time worker, an average of 24.1% of all household income is earned by a part-timer.² Thus, when a part-time worker loses a job,

¹ We analyzed UI policies in 53 states including the District of Columbia, Puerto Rico and the Virgin Islands.

² Authors’ analysis of the 2001 Current Population Survey – Outgoing Rotation Group files.

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household income declines dramatically. Additionally, most of the household income increases³ seen in the 1980's and 1990's were due to increased employment of women – raising the importance of women's wages to family well-being. The income earned by women working part-time is especially critical for many low-income families. In cases of female-headed households living in poverty, part-time full year earnings represent 91 percent of the families' income. And when women are poor, their children are pulled into poverty along with them. Extending UI benefits to cover part-time workers would also serve to cover many children living in poverty.

Excluding workers who search exclusively for part-time work from UI eligibility unfairly penalizes the most vulnerable workers – mothers and other family caregivers, individuals with disabilities, and low-wage workers – and leaves them and their families without a critical economic lifeline. These restrictions have a disproportionate impact on working mothers – many of whom need to reduce their work hours to less than full-time in order to provide family care. Since over 80 percent of women become mothers, and two out of three mothers work less than 40 hours per week during the key years of career advancement, the effect of not providing unemployment insurance benefits for part-time workers falls disproportionately on women.

Moreover, excluding part-time workers from eligibility for UI also negatively impacts men who want to spend more time with their families. Contrary to conventional beliefs about gender roles, family caregiving is no longer solely a women's issue. Men now make up 44 percent of family caregivers. Excluding people seeking part-time work from UI coverage also negatively impacts the children of aging parents who need care: 85 percent of elder care is delivered through informal networks. In most states, when workers choose part-time employment to provide for their families' needs, they relinquish the income protection afforded to them by the unemployment insurance system.

Individuals with disabilities, who often are restricted in their ability to work full-time, are also adversely affected by excluding part-time workers from eligibility for unemployment insurance. While 11 states have enacted some special provisions for individuals with disabilities, most of these provisions have a limited effect, and 39 states provide no exceptions.

Finally, since part-time workers are twice as likely to be poor as full-time workers, the failure to replace the wages of part-timers through unemployment insurance has a disproportionate impact on low-income families. Research by Danziger and Gottschalk (1990) indicates that unemployment insurance was more important in reducing poverty than transfers programs such as welfare. In particular, 20% of male-headed households and 15.7% of female-headed households were lifted out of poverty because of unemployment insurance benefits. Unfortunately, the poorest workers suffer the most due to these restrictions. Not only are the poor less likely to receive unemployment insurance benefits, but they are likely to pay more in UI taxes. In all states, UI taxes are only levied on a fixed amount of income. In most states, this amount is very low, only the first \$7,000 - \$9,000 of earnings are taxed. This is true whether you earn \$10,000 per year or \$100,000 per year, whether you work full-time or part-time. If you change jobs you pay the tax again. Consequently, low earners and part-timers who are likely to change jobs more often have a higher proportion of their wages subject to taxation. The irony is that part-time workers pay a higher proportion of their wages in taxes while most states bar them from receiving UI benefits. Accordingly, the treatment of part-time workers under UI programs must be changed to ensure that the most vulnerable workers and their families do not fall through this critical safety net.

³ In the 1980s many households staved off real earnings declines by increasing hours of work and labor force participation among women.

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The Law of Part-Time Workers and UI Eligibility

The main barrier to wider unemployment insurance eligibility for part-timers is state agencies' application of the "availability" requirement found in all state UI laws. "Availability" is a term of art in UI law requiring that claimants demonstrate labor market attachment by maintaining a willingness to accept a reasonable range of jobs for which they are qualified by experience and training.⁴ Coupled with the availability requirement, nearly all states' UI statutes require that UI claimants seek suitable work. UI claimants that express a need or desire to accept only part-time work are ineligible for UI benefits in states that require full-time work in order to satisfy their availability requirements.

While all state UI statutes have availability provisions, for the most part these statutes do not discuss part-time work explicitly. This is true both in those states that pay UI benefits to laid off part-time workers by treating them with parity, as well as in many of the states that deny UI eligibility to part-time workers. In each case, state agencies (or the courts) have interpreted state UI statutes that are "silent" on the question of full-time or part-time availability. Some have done so favorably to part-time workers, while the majority has adopted restrictive applications of their statutes. In states that do not have explicit part-time UI rules in statute or controlling case law, governors or state agencies are free to adopt more expansive policies regarding eligibility for part-time workers. In states with statutes that specifically treat part-time availability, favorable policy for part-time workers requires legislative amendments.

The major legal reason laid off part-time workers are left out of UI eligibility is a requirement of availability for full-time work found in twenty-nine states. In seven "parity" states, UI availability rules are applied on a similar basis to all laid off workers, whether full-time or part-time.

Overall, twenty-nine states require a worker to be available or seeking "full-time" work in order to satisfy their state's statutory availability provisions. While the majority of states require full-time work to satisfy their UI eligibility rules, only eight of these restrictive states (Georgia, Indiana, Maine, Michigan, New Hampshire, New Mexico, Washington, and West Virginia⁵) have UI statutes that specifically establish full-time availability or seeking work requirements. Another seven states have regulations requiring full-time availability (Alabama, Connecticut, Idaho, Iowa, Oregon, Utah, and Wisconsin). In the thirteen remaining restrictive states, courts or agencies interpret their state's availability or seeking work provisions as requiring full-time work.⁶

While legally exempt from receipt of UI benefits, as a practical matter, some part-time workers in the 29 restrictive states may nonetheless receive UI benefits. This is because many restrictive states accept an individual's statement that they are seeking full-time work without further investigation. Some states only require UI claimants to certify by telephone that they are able to work and available for work. It is difficult to assess how these practices impact the receipt of UI benefits.

⁴ Louise F. Freeman, *Able to Work and Available for Work*, 55 Yale L.J. 123, 124 (1945).

⁵ In Oklahoma, a ninth state, the UI statute requires "full-time" work for availability, but the agency interprets that provision to permit it to pay unemployed part-time workers UI benefits if their entire work history (termed "base period") consists of part-time work.

⁶ For example, Alaska has a UI statute with an availability requirement that is silent on the full-time/part-time question, but that is interpreted as requiring availability for full-time work. The UI statute disqualifies those that are "not available for suitable work." Ak. Stat. 23.20.380(1). The Alaska Supreme Court upheld a state agency interpretation that this provision required "full time" work in *Department of Labor v. Boucher*, 581 P.2d 660 (1978). See Appendix II.

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Twenty states currently take favorable positions on part-time workers and payment of UI benefits. Of these, seven states (Delaware, Kansas, Nebraska, Pennsylvania, South Dakota, Vermont, and Wyoming) have adopted policies that essentially treat part-time workers with parity. Claimants laid off from or seeking part-time work are subjected to the same eligibility rules as full-time workers in these favorable states. In all seven of these "parity" states, UI statutes are silent with respect to part-time availability. The same statutory silence is found in most of the ten states (Arkansas, Colorado, Florida, Hawaii, Iowa, Louisiana, Minnesota, New York, Oklahoma, and Puerto Rico) that pay UI benefits to part-time workers in the case of a past history of part-time work. Only Colorado, Minnesota and New York have statutory language specifically dealing with part-time UI eligibility.

Finally, California recently enacted a UI statute and regulations that specifically address the problems faced by part-time workers who seek UI by basing part-time eligibility upon having a history of part-time work. The new statute provides that:

An unemployed individual shall not be disqualified for eligibility for unemployment compensation benefits solely on the basis that he or she is only available for part-time work. If an individual restricts his or her availability to part-time work, he or she may be considered to be able to work and available for work pursuant to subdivision (c) of Section 1253 if it is determined that all of following conditions exist: (a) The claim is based on the part-time employment. (b) The claimant is actively seeking and is willing to accept work under essentially the same conditions as existed while the wage credits were accrued. (c) The claimant imposes no other restrictions and is in a labor market in which a reasonable demand exists for the part-time service he or she offers.⁷

In addition, under an existing regulation, California also permits all claimants with good cause to limit their availability so long as each claimant remains available to a "substantial field of employment."⁸ The combination of California's recent "past history" amendment with its existing good cause regulation provides a good legislative model for UI policy regarding part-time workers.

In summary, the major legal reason part-time workers are left out of UI eligibility is a requirement of availability for full-time work found in twenty-nine states. This full-time requirement is chiefly a consequence of agency interpretation of UI statutes, except in nine states where state legislatures have adopted the full-time requirement in their state UI laws. In contrast, twenty states have favorable UI eligibility rules for laid off part-time workers, with seven of these applying a policy of essential parity toward laid off workers and their availability for work. Of the remaining thirteen favorable states, ten states pay UI benefits to laid off part-time workers with a past history of part-time work, two states pay UI benefits when claimants have good cause to limit their availability, and California recognizes both good cause limitations on availability and past history of part-time work.

⁷ Section 1253.8, Unemployment Insurance Code (as amended by SB 40, effective January 6, 2002).

⁸ Cal. Code Regs., Title 22 §1253(c)(1).

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Recommendations and Conclusion

The wholesale exclusion of part-time workers from eligibility for UI benefits is unfair and does not reflect the needs of the current labor market. The opposition to making part-time workers eligible for UI benefits is based on the supposed costs of bringing part-time workers into UI programs. However, given the fact that 20 states already provide many or all part-time workers UI benefits, and that at least some part-time workers get UI benefits in the remaining 29 states, this claim lacks credibility. Moreover, since UI weekly benefit amounts are based upon wages prior to layoffs, most laid off part-time workers will draw modest weekly benefits. In addition, any added costs from benefit expansions will be accommodated by payroll tax experience rating over a period of years, gradually adjusting tax rates to handle the higher claims load resulting from a more favorable policy toward part-time workers. Finally, relieving laid off part-time workers from the hardships they face as a result of being excluded from UI – costs that are borne by not only those individuals, but also their families, social services and charitable organizations – far outweighs the slightly higher payroll tax costs that will fall upon their employers.

Congress and the states need only look to some current state practices for solutions on expanding UI to cover part-time workers. As we report, 20 states already have favorable UI policies toward part-time workers, with seven states treating part-time workers no differently than full-time workers. The part-time parity states offer the best policy option, in our view, and would simply involve a repeal of any full-time requirements in state UI laws or adoption of more favorable policies by state agencies. These part-time parity states demonstrate the most equitable manner of handling UI claims by part-time workers. In part-time parity states, a worker's availability is measured against the local labor market on an individual basis.

California offers a second model that will pay UI benefits to part-time workers in most cases. Its combination of a "past history" statute with a "good cause" regulation would bring most part-time workers within the UI safety net. States with existing part-time policies in their UI laws may find it easier to substitute the California rules (both statute and regulation) than to repeal existing laws and adopt parity.

Given the prevalence of part-time work in our economy, policy makers in states with restrictive UI eligibility rules should recognize that continuing these restrictive policies is unfair. These policies impose hardships disproportionately upon women as well as low-wage and disabled workers, many of whom work part-time to balance competing responsibilities. The time has come to remove these unwarranted restrictions barring part-time workers from UI and to provide part-time workers with the economic protections that they have earned and deserve.

APPENDIX I
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Summary Table on Treatment of Part-Time Workers Under State UI Programs--February 2002

Part-Time Eligibility Permitted (8 States)	Eligibility with Past History of Part-Time Work (10 States)	Eligibility with Good Cause to Restrict Availability (2 States)	Eligibility on More Limited Basis (4 States)	Not Eligible without Full-Time Availability (29 States)
California Delaware Kansas Nebraska Pennsylvania South Dakota Vermont Wyoming	Arkansas Colorado Florida Hawaii Iowa Louisiana Minnesota New York Oklahoma Puerto Rico	District of Columbia Rhode Island	Illinois Massachusetts Montana New Jersey	Alabama Alaska Arizona Connecticut Georgia Idaho Indiana Kentucky Maine Maryland Michigan Mississippi Missouri Nevada New Hampshire New Mexico North Carolina North Dakota Ohio Oregon South Carolina Tennessee Texas Utah Virginia Virgin Islands Washington West Virginia Wisconsin

Source: Appendix II

APPENDIX II
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Unemployment Insurance for Part-Time Workers: A Review of State Laws & Practices

STATE	U.S. General Accounting Office Survey ¹ (December 2000)	Updated Advisory Council on Unemployment Compensation Survey ² (2001)	Legal Review ³ (January 2002)	Summary of UI Treatment of Part-time Workers ⁴
ALABAMA	NO	NO	NOT ELIGIBLE BY REGULATION Statute: “able to perform work . . . available to work...” Ala. Code §25-44-77 (1994). Regulation: available “full-time hours and full work week...” Ala. Dept. of Ind. Rel. R. 480-4-3-15(3).	NOT ELIGIBLE
ALASKA	NO	NO	NOT ELIGIBLE BY REGULATION AND JUDICIAL DECISION Statute: “able to work and available for suitable work...” Alaska Stat. §23.20.378(a) (1995). Regulation: “available for a substantial amount of full-time employment...” Alaska Emp. Sec. Law §8 AAC 85.350(5) (1995). Judicial decision: statute construed to mean full-time work, <u>DOL v. Boucher</u> , 581 P.2d 660 (Alaska 1978).	NOT ELIGIBLE

¹ This column gives the results of a survey by the U.S. General Accounting Office (GAO) to state UI directors asking whether a worker would qualify for UI if, “[i]n her prior job, the worker was employed part-time for 30 hours a week, laid off, and then applied for UI while limiting his or her availability for work to jobs with the same hours as those of the previous job and is unable to work more hours than previously.” GAO, Unemployment Insurance: Role as Safety Net for Low-Wage Workers Is Limited, GAO-01-181 (December 2000) p. 51. GAO found that 30 states would deny this UI claim and 20 states would pay the claim in these circumstances. States reporting that they would pay the claim are listed as “Yes” in the GAO survey column of the table, while those that said they would deny the claim in these circumstances are indicated by a “No.”

² This column represents a list of states based upon a 1994 survey of state UI directors initially conducted by the Interstate Conference of Employment Security Agencies (ICESA) for the Advisory Council on Unemployment Compensation (ACUC). This survey asked state UI directors whether a person with a prior part-time history who was seeking part-time work was eligible for unemployment benefits. Unemployment Insurance in the United States: Benefits, Financing, Eligibility (February 1995), p.105 (Table 8-1) and accompanying text. The ACUC survey reported that 14 states would pay a UI claim where claimants had a history of part-time work and that this result “varies” in an additional 9 states. These results are reported in the second column as Yes, No, or Varies. A majority of states reported on their position regarding eligibility for those restricting their availability to part-time work as part of their comments during the summer of 2001 to the National Association of State Workforce Agencies (formerly ICESA) concerning proposed federal legislation on part-time work and UI. See http://www.naswa.org/articles/template.cfm?results_art_filename=uiesamenu.htm. These reports provided us with updated information, verifying the continuing accuracy of the 1994 ACUC survey results. We note these states as “Report to NASWA” where appropriate.

³ This column presents the results of a legal review conducted by the National Employment Law Project and Project on Gender, Work, and Family of the George Washington College of Law at American University Law School and is our best accounting of the state of unemployment insurance law regarding part-time workers in each state. The review examined state UI laws, regulations and court and administrative decisions related to part-time workers. In addition, where our formal review left some uncertainty, we contacted state agencies directly. These reports are cited as telephone contacts.

⁴ This column presents our overall summary regarding UI eligibility for part-time workers when laid off. Our overall conclusion regarding UI eligibility for part time workers is based upon the cited surveys, contact with the agencies, and our legal review. The accompanying report contains additional information regarding our methodology.

STATE	U.S. General Accounting Office Survey (December 2000)	Updated Advisory Council on Unemployment Compensation Survey (2001)	Legal Review (January 2002)	Summary of UI Treatment of Part-time Workers
ARIZONA	NO	NO	<p>NOT ELIGIBLE BY ADMINISTRATIVE INTERPRETATION</p> <p>Statute: "is available for work..." Ariz. Rev. Stat. Ann §23-771(4) (1994). Administrative decision: restrictions limiting opportunities render unavailable, App. Trib. Dec. 8860 (10/25/60).</p>	NOT ELIGIBLE
ARKANSAS	YES	NO	<p>ELIGIBLE BY ADMINISTRATIVE POLICY</p> <p>Statute: "able to perform suitable work and . . . available for such work..." Ark. Emp. Sec. Law §11-10-507 (3a) (1993). Policy: Eligible if totally part-time work in base period. Telephone contact confirmed by report to NASWA.</p>	ELIGIBLE WITH PART-TIME WORK HISTORY
CALIFORNIA	NO	VARIES	<p>FULL ELIGIBILITY BY STATUTE AND REGULATION</p> <p>Statute: "able to work and available for work..." Cal. Unempl. Ins. Code §1253(c); "shall not be disqualified solely on the basis that he or she is only available for part-time work," Section 1253.8, Unemployment Insurance Code (effective January 6, 2002). (as amended by SB 40, 2001). Regulation: if claimant has good cause and substantial field of employment remains open, available, Cal. Code Regs. title 22 §1253(c)(1). Judicial decisions: Availability need not be full time, <u>Glick v. UI Appeals Bd.</u>, 591 P.2d 24 (Cal. 1979); defines availability as 1) willing to accept suitable work where no good cause to refuse and 2) makes self available to substantial field of employment, <u>Sanchez v. App. Bd. and Vasquez</u>, 569 P.2d 740 (Cal. App. 1977).</p>	ELIGIBLE IN MOST CIRCUMSTANCES

STATE	U.S. General Accounting Office Survey (December 2000)	Updated Advisory Council on Unemployment Compensation Survey (2001)	Legal Review (June 2002)	Summary of UI Treatment of Part-time Workers
COLORADO	YES	YES	<p>ELIGIBILITY BY REGULATION AND JUDICIAL DECISIONS.</p> <p>Statute: “able to work and is available for all work deemed suitable...” Colo. Rev. Stat. §8-73-107 (1999). Regulation: eligible if 60% of base period earnings from part-time work, seeking part time work and such work exists in locality.7 Colo. Code Regs. §1101-2-2.2. Judicial decisions: Availability need not be full-time, so long as claimant retains willingness to work and attachment to labor market, <u>Industrial Comm'n v. Redmond</u>, 514 P.2d 623 (Col. 1973); ineligible where restricted to part-time after surgery, <u>Medina v. Ind. Comm.</u>, 554 P.2d 1360 (Colo. Ct. App. 1976). Confirmed by report to NASWA.</p>	ELIGIBLE WITH PART-TIME WORK HISTORY
CONNECTICUT	NO	NO	<p>NOT ELIGIBLE BY REGULATION AND JUDICIAL DECISIONS</p> <p>Statute: “able to work and is available to work...” Conn. Gen. Stat. §31-235(a)(2) (1994). Regulation: “available for full-time work...” Conn. Unempl. Comp. Law §31-235-6(a) (1986). Judicial decisions: claimant with part-time work history unavailable where limiting availability to part-time for physical reasons, <u>Canaveri v. Admr.</u>, 2 Unempl. Ins. Rptr. ¶1950.85 (Conn. Super. Ct. 1988); restricting hours to part-time renders unavailable, <u>Eschbach v. Admr.</u>, 2 Unempl. Ins. Rptr. ¶1950.85 (Conn. Super. Ct. 1988). Confirmed by report to NASWA.</p>	NOT ELIGIBLE

STATE	U.S. General Accounting Office Survey (December 2000)	Updated Advisory Council on Unemployment Compensation Survey (2001)	Legal Review (January 2002)	Summary of UI Treatment of Part-time Workers
DELAWARE	YES	YES	<p>SELECTED ELIGIBILITY BY JUDICIAL DECISIONS</p> <p>Statute: “able to work, and is available for work...” Del. Code Ann. tit. 19 §3314(3) (1994). Regulation: “eligibility based upon work history, education, training...” Del. Unempl. Comp. Comm. Reg. 42 (1986). Judicial decision: Claimant with willingness to accept range of part time work is available and eligible for UI, <u>Harper v. App. Bd.</u>, 293 A.2d 813 (Del. Super. Ct. 1972). Confirmed by report to NASWA.</p>	ELIGIBLE IN MOST CIRCUMSTANCES
DISTRICT OF COLUMBIA	NO	VARIES	<p>ELIGIBILITY BY JUDICIAL DECISIONS</p> <p>Statute: “available for work...” D.C. Unempl. Comp. Act §46-110(4a) (1997). Judicial decisions: eligible if have good cause to restrict search to part-time, <u>Hawkins v. Dist. Comp. Board</u>, 390 A.2d 973 (D.C. 1978). Confirmed by report to NASWA.</p>	ELIGIBLE WITH GOOD CAUSE
FLORIDA	YES	YES	<p>ELIGIBILITY BY CLAIMS ADJUDICATOR’S MANUAL</p> <p>Statute: “able to work and is available for work...” “division shall develop criteria to determine availability...” Fla. Unempl. Comp. Law §443.091(c1) (2000). Regulations: “available for work during major portion of claimant’s customary work week...” Rules of Dept. Lab. and Empl., Reg. 38B-3.021(2) (1992); “free of unreasonable restrictions regarding hours...” <i>Id.</i> at Reg. 38B-3.021(4). Department’s Claims Adjudicator’s Manual: “ eligible for benefits if seeking part-time work. . when the claimant’s entire work history during the base period shows wage credits earned while working part-time and there is presently a labor market for the claimant’s occupation on a part-time basis. The claimant should be looking for substantially the same number of hours previously worked.” Confirmed by report to NASWA.</p>	ELIGIBLE WITH PART-TIME WORK HISTORY

STATE	U.S. General Accounting Office Survey (December 2000)	Updated Advisory Council on Unemployment Compensation Survey (2001)	Legal Review (January 2002)	Summary of UI Treatment of Part-time Workers
GEORGIA	NO	NO	<p>NOT ELIGIBLE BY STATUTE</p> <p>Statute: “is able to work, available for work...is bona fide in the labor market...” Ga. Empl. Sec. Law §34-8-195(3)(A). (1996); “bona fide in the labor market means... must be available for full-time employment...” <i>Id.</i> at §34-8-24.</p>	NOT ELIGIBLE
HAWAII	YES	VARIES	<p>ELIGIBLE BY AGENCY POLICY</p> <p>Statute: “able to work and is available for work...” Haw. Rev. Stat. §383-29(a)(3) (1994). Policy: Eligible with history of part-time work for period of 4 to 8 weeks. Telephone contact confirmed by report to NASWA.</p>	ELIGIBLE WITH PART-TIME WORK HISTORY
IDAHO	NO	NO	<p>NOT ELIGIBLE BY AGENCY POLICY</p> <p>Statute: “able to work, available for suitable work...” Idaho Empl. Sec. Law §72-1366(4) (2000). Confirmed by report to NASWA.</p>	NOT ELIGIBLE

STATE	U.S. General Accounting Office Survey (December 2000)	Updated Advisory Council on Unemployment Compensation Survey (2001)	Legal Review (January 2002)	Summary of UI Treatment of Part-time Workers
ILLINOIS	NO	VARIES	<p>LIMITED ELIGIBILITY BY REGULATION AND JUDICIAL DECISION</p> <p>Statute: “able to work, and is available for work...” Ill. Unempl. Ins. Act §500(c) (1997). Regulation: eligible if restricts availability to P/T due to circumstances beyond his or her control, suitable work only available on P/T basis, labor market exist for P/T work and reasonable possibility of securing work exists. Rules of Unempl. Ins. Act §2865.125 (1990). Judicial decision: availability for P/T doesn’t create per se ineligibility- must apply test from Rule §2865, <u>Rosenbaum v. Dir.</u>, 60 Ill. App. 3d 657, 377 N.E.2d 258 (1978).</p>	LIMITED ELIGIBILITY WITH MEDICAL OR OTHER REASONS BEYOND CONTROL OF CLAIMANT
INDIANA	NO	NO	<p>NOT ELIGIBLE BY REGULATION</p> <p>Statute: “is available for work...” Ind. Empl. and Training Act §22-4-14-3(2) (1995). Regulations: “ claimant shall be ineligible...failed to make effort to secure full-time work...” Unempl. Ins. Bd. Rules R646IAC 3-10-18(b).</p>	NOT ELIGIBLE
IOWA	YES	YES	<p>ELIGIBILITY BY REGULATION</p> <p>Statute: “able to work, is available for work...” Iowa Empl. Sec. Law §96.4(3) (1994). Regulations: “able to work . . .full time endeavor...” Iowa Empl. Sec. Comm’n Rules §24.22(1b) (1999); “if part-time worker become separated from this employment for no disqualifiable reason, and providing such worker has reasonable expectation of securing other employment during the same hours and for the same number of hours worked . . . no disqualification imposed...” <i>Id.</i> at §24.22(f); “each case must be decided on merits” “if individual is available for the major portion of the workweek . . .considered available...” <i>Id.</i> at §24.22(h).</p>	ELIGIBLE WITH PART-TIME WORK HISTORY

STATE	U.S. General Accounting Office Survey (December 2000)	Updated Advisory Council on Unemployment Compensation Survey (2001)	Legal Review (January 2002)	Summary of UI Treatment of Part-time Workers
KANSAS	YES	NO	<p>ELIGIBLE BY AGENCY POLICY</p> <p>Statute: "available for work..." Kan. Stat. Ann. §44-705(c) (1998).</p> <p>Administrative decision: one exception to requirement of full-time availability- if wage credits were earned working part-time, App. Trib. Dec., No. 466, 10-29-41.</p> <p>Policy: If monetarily eligible, part-time workers can seek full or part-time work. Confirmed by report to NASWA and telephone contact with agency.</p>	ELIGIBLE ON SAME BASIS AS OTHER CLAIMANTS
KENTUCKY	NO	NO	<p>NOT ELIGIBLE</p> <p>Statute: "available for suitable work..." Ken. Rev. Stat. §341.350(4) (1996).</p> <p>Policy: Full-time availability. Telephone contact with agency.</p>	NOT ELIGIBLE
LOUISIANA	YES	YES	<p>ELIGIBLE BY AGENCY POLICY</p> <p>Statute: "able to work, available for work..." La. Rev. Stat. §1600(3)(a) (1992).</p> <p>Policy: Part-time work history permitted. Telephone contact with agency.</p>	ELIGIBLE WITH PART-TIME WORK HISTORY
MAINE	YES	NO	<p>NOT ELIGIBLE BY STATUTE</p> <p>Statute: "available for full-time work..." Me. Rev. Stat. §1192(3) (2000).</p> <p>Regulations: "attached to the labor market..." Empl. Sec. Law Rules, Ch. 9, Rule 2.</p>	NOT ELIGIBLE

STATE	U.S. General Accounting Office Survey (December 2000)	Updated Advisory Council on Unemployment Compensation Survey (2001)	Legal Review (January 2002)	Summary of UI Treatment of Part-time Workers
MARYLAND	NO	NO	<p>NOT ELIGIBLE</p> <p>Statute: “available for work...” Md. Code Ann. §8-903(ii) (1993). Judicial decisions: Availability requires full time work for UI eligibility, <u>Robinson v. Maryland Empl. Sec. Board</u>, 97 A.2d 300 (Md. 1953); claimant who restricted availability to P/T not available, <u>Amtower v. Metropolitan Life Insurance Co. and ESB</u>, 5 Unempl. Ins. Rptr ¶1950.845 (Cir. Ct. Allegany Co. 1957). Confirmed by report to NASWA.</p>	NOT ELIGIBLE
MASSACHUSETTS	YES	VARIES	<p>LIMITED ELIGIBILITY BY REGULATION</p> <p>Statute: “available, and actively seeking work...” Mass. Gen. Laws, §24(b) (1994). Regulations- “may limit his/her availability solely to part-time employment...” if has prior work history of P/T and has good cause OR due to illness or disability, Mass. Dept. Lab. §4.42 (1997).</p>	<p>LIMITED ELIGIBILITY FOR NON-DISABLED CLAIMANTS WITH GOOD CAUSE <u>AND</u> PART-TIME WORK HISTORY. DISABLED CLAIMANTS MAY SEEK PART-TIME WORK DUE TO ILLNESS OR DISABILITY.</p>
MICHIGAN	NO	NO	<p>NOT ELIGIBLE BY STATUTE</p> <p>Statute: “available to perform suitable full-time work...” Mich. Empl. Sec. Act §421.28(1)(c) (1994).</p>	NOT ELIGIBLE

STATE	U.S. General Accounting Office Survey (December 2000)	Updated Advisory Council on Unemployment Compensation Survey (2001)	Legal Review (January 2002)	Summary of UI Treatment of Part-time Workers
MINNESOTA	NO	YES	<p>ELIGIBLE BY STATUTE</p> <p>Statute: An applicant shall be eligible to receive unemployment benefits for any week if . . . the applicant was . . . available for employment, and was actively seeking suitable employment. Minn. Stat. Sec. 268.085, Subd. 1(2). Suitable employment means . . . (e) If a majority of the applicant's wage credits were earned from part-time employment, part-time employment in a position with comparable skills and comparable hours that pays average gross weekly wages equal to or more than 150 percent of the applicant's weekly unemployment benefit amount shall be considered suitable employment. Minn. Stat. 268.035, Subd. 23a(e)(amended 2001).</p>	ELIGIBLE WITH PART-TIME WORK HISTORY
MISSISSIPPI	NO	NO	<p>NOT ELIGIBLE BY ADMINISTRATIVE DECISION</p> <p>Statute: "is available for work..." Miss. Empl. Sec. Law §71-5-511(ii)(c) (1995). Administrative decision: claimant must be available full time, Bd. of Rev. No. 8-BR-40 May 21, 1940. Confirmed by report to NASWA.</p>	NOT ELIGIBLE
MISSOURI	NO	VARIES	<p>VERY LIMITED ELIGIBILITY</p> <p>Statute: "able to work and is available for work..." Mo. Rev. Stat. §288.040(1)(2) (1999). Policy: Eligible to seek part-time only when no full-time work available. Telephone contact with agency. Confirmed by report to NASWA.</p>	NOT ELIGIBLE
MONTANA	NO	VARIES	<p>LIMITED ELIGIBILITY BY AGENCY POLICY</p> <p>Statute: "able to work, is available for work..." Mont. Unempl. Comp. Ins. Law §39-51-2104(1b) (1995). Policy: Eligible with medical certification. Confirmed by report to NASWA.</p>	NOT ELIGIBLE WITHOUT MEDICAL CERTIFICATION

STATE	U.S. General Accounting Office Survey (December 2000)	Updated Advisory Council on Unemployment Compensation Survey (2001)	Legal Review (January 2002)	Summary of UI Treatment of Part-time Workers
NEBRASKA	YES	YES	<p>ELIGIBLE BY AGENCY POLICY</p> <p>Statute: "able to work and is available for work..." Neb. Rev. Stat. §48-627(3) (1998). Policy: Agency recognizes part-time availability so long as sufficient labor market attachment remains. Telephone contact with agency.</p>	ELIGIBLE ON SAME BASIS AS OTHER CLAIMANTS
NEVADA	YES	NO	<p>NOT ELIGIBLE BY AGENCY POLICY</p> <p>Statute: "able to work, and is available for work..." Policy: Claimants must seek full-time employment. Telephone contact with agency, confirmed by report to NASWA.</p>	NOT ELIGIBLE
NEW HAMPSHIRE	NO	NO	<p>NOT ELIGIBLE BY STATUTE</p> <p>Statute: "ready, willing and able to accept and perform suitable work on all shifts and during all the hours for which there is a market for the services he offers..." N.H. Rev. Stat. §282-A:31 (1)(c) (1998); "available for and seeking permanent, full-time work..." Id. at §282-A:31 (1)(d). Judicial Decision: two prong test to determine eligibility if limiting availability. Must establish: 1) a qualifying limitation and 2) that claimant is available to work on substantially all hours and shifts there is market for services, <u>Appeal of Williamson</u>, 140 N.H. 667, 670 (1996).</p>	NOT ELIGIBLE

STATE	U.S. General Accounting Office Survey (December 2000)	Updated Advisory Council on Unemployment Compensation Survey (2001)	Legal Review (January 2002)	Summary of UI Treatment of Part-time Workers
NEW JERSEY	NO	VARIES	<p>ELIGIBILITY BY STATUTE AND REGULATION</p> <p>Statute: "has been performing less than full-time work and who limits .. availability to less than full-time work shall be eligible for benefits.. when there is good cause . .and there exists in his work locality a sufficient amount of suitable work to justify such limitation, subject to the further condition that such claimant must be available for enough weekly hours . . to be able to earn remuneration of equivalent to his weekly benefit amount." N.J. Stat. §43:21-20.1 (1952).</p> <p>Regulation: claimant who has history of part-time work, has good cause, and in labor market where part-time work is available is eligible, N.J. DES R. 12:17-12.7 (1998).</p> <p>Judicial decision: Claimant with history of part time work is eligible, <u>Levine v. Universal Furniture</u>, 369 A.2d 968 (N.J. Super. 1977).</p>	<p>ELIGIBLE WITH GOOD CAUSE <u>AND</u> HISTORY OF PART-TIME WORK</p>
NEW MEXICO	NO	NO	<p>NOT ELIGIBLE BY STATUTE</p> <p>Statute: "is available for work and. . . seeking permanent and substantially full-time work..." N.M. Unempl. Comp. Law §51-1-5(3) (2000)</p> <p>Regulation: "permanent . . . and substantially full-time work..." <i>Id.</i> at §320.2.1 (1998).</p> <p>Confirmed by report to NASWA.</p>	<p>NOT ELIGIBLE</p>

STATE	U.S. General Accounting Office Survey (December 2000)	Updated Advisory Council on Unemployment Compensation Survey (2001)	Legal Review (January 2002)	Summary of UI Treatment of Part-time Workers
NEW YORK	YES	YES	<p>ELIGIBLE BY STATUTE</p> <p>Statute: “ready, willing and able to work in his usual employment...” N.Y. Unempl. Comp. Law §591 (1994); “Short-time worker” provision, “a claimant who for reasons personal to himself is unable or unwilling to work usual full-time and who customarily works less than full-time...shall register as a short-time worker...” <i>Id.</i> at §596. Short-time workers must accept no less than 4 days work per week. Judicial decision: not eligible, see <u>In re Goldwag</u>, 280 N.Y.S.2d 738 (1967); <u>In re Bolinger</u>, 156 N.Y.S.2d 445 (1956).</p> <p>Administrative decisions: conflicting; if restriction due to circumstances beyond claimant’s control, still eligible, see <u>App. Bd. Dec.62,005-57</u>; <i>see also</i>, A-750-1472. If restriction due to child care, claimant unavailable, see <u>App. Bd. Dec.123, 329</u>; A-750-1642 (July 23, 1965).</p>	ELIGIBLE WITH PART-TIME WORK HISTORY
NORTH CAROLINA	NO	NO	<p>NOT ELIGIBLE BY AGENCY POLICY</p> <p>Statute- “able to work and is available for work...” N.C. Gen. Stat. §96-13(a)(3) (1999). Policy: Must have full-time availability. Report to NASWA.</p>	NOT ELIGIBLE
NORTH DAKOTA	YES	NO	<p>SELECTED ELIGIBILITY BY JUDICIAL DECISION</p> <p>Statute: “able to work and is available for suitable work...”</p> <p>Policy: Must maintain full-time availability. Report to NASWA. Contrary judicial decision: Full-time availability is not required for UI eligibility, <u>Beck v. Job Service North Dakota</u>, 585 N.W.2d 815 (N.D. 1998).</p>	NOT ELIGIBLE

STATE	U.S. General Accounting Office Survey (December 2000)	Advisory Council on Unemployment Compensation Survey of State Administrators (2001)	Legal Review (January 2002)	Summary of UI Treatment of Part-time Workers
OHIO	NO	NO	<p>NOT ELIGIBLE BY AGENCY POLICY</p> <p>Statute: “able to work and available for suitable work...” Ohio Rev. Code §4141.29(4)(A) (2000). Policy: Full-time availability necessary for eligibility. Contact with agency. Contrary judicial decisions: eligible if limit availability to P/T, see, <u>Kahn v. Administrator</u>, OBES, Case No.99CV2 (Trumbull County Common Pleas, January 26, 2001); <u>Getz v. Bircher</u>, CCH¶1950.91 (Ohio Ct. App. 1969); <u>Ruggles v. Bd. Of Rev.</u>, 8 CCH¶1950.91(Ct. of Common Pleas 1978); <u>In re Whyte</u>, CCH¶1950.91 (Ct. of Common Pleas 1975).</p>	NOT ELIGIBLE
OKLAHOMA	YES	VARIES	<p>NOT ELIGIBLE BY STATUTE Statute- “accepting full-time employment immediately...” Okla. Stat. §2-203(B) (1993). ELIGIBILITY BY POLICY Policy: Part-time availability permitted if all weeks in base period were part-time work. Single week of non part-time work requires full-time availability. Telephone contact with agency confirmed by report to NASWA.</p>	ELIGIBLE WITH PART-TIME WORK HISTORY
OREGON	NO	NO	<p>NOT ELIGIBLE BY REGULATION AND JUDICIAL DECISION</p> <p>Statute: “able to work, is available for work...” Or. Rev. Stat. §657.155(1)(c) (1993). Regulation: “willing to work full-time...” Or. Admin. R. 471-30-036 (1997). Judicial decision: benefits only paid if available full-time, <u>Dennis v. ED</u>, 728 P.2d 12 (Or. 1986).</p>	NOT ELIGIBLE

STATE	U.S. General Accounting Office Survey (December 2000)	Updated Advisory Council on Unemployment Compensation Survey (2001)	Legal Review (January 2002)	Summary of UI Treatment of Part-time Workers
PENNSYLVANIA	YES	YES	<p>SELECTED ELIGIBILITY BY JUDICIAL AND ADMINISTRATIVE DECISIONS</p> <p>Statute: “able to work and available for suitable work...” Penn. Stat. §401(d)(1) (1983). Judicial decisions: claimant’s limitation to part-time employment does not per se render unavailable, <u>Scardina v. UC Board of Review</u>, 537 A.2d 388 (Pa. Commw. Ct. 1988); <i>see also</i>, <u>Wilder & Miller, P.C. v. Unempl. Comp. Bd of Rev.</u>, 525 A.2d 852 (Pa. Commw. 1987); claimant eligible although restricted availability to part-time night work, <u>Hosp. Serv. Assoc. of N.E. Pa. v. Unemployment Comp. Bd. of Rev.</u>, 83 Pa. Commw. 165, 476 A.2d 516 (1984); claimant restricting work and search for work due to need to care for pre-school child not ineligible, <u>Myers v. UC Board of Review</u>, 330 A.2d 886 (Pa. Commw. Ct. 1975).</p>	ELIGIBLE IN MOST CIRCUMSTANCES
PUERTO RICO	NO	YES	<p>ELIGIBLE BY POLICY</p> <p>Statute: “available for suitable work...” P.R. Empl. Sec. Act§704(b)(1) (1995). Policy: Eligible with part-time work history.</p>	ELIGIBLE WITH PART-TIME WORK HISTORY
RHODE ISLAND	NO	YES	<p>ELIGIBILITY BY JUDICIAL DECISION</p> <p>Statute: “able to work and available for work...” R.I. Gen. Laws §28-44-12 (1973). Judicial decision: availability may be restricted if good cause and if restrictions don’t impair claimant’s attachment to the labor market, <u>Huntley v. DES</u>, 121 R.I. Sup. Ct. 97 A. 2d 902 (1979).</p>	ELIGIBLE WITH GOOD CAUSE

STATE	U.S. General Accounting Office Survey (December 2000)	Updated Advisory Council on Unemployment Compensation Survey (2001)	Legal Review (January 2002)	Summary of UI Treatment of Part-time Workers
SOUTH CAROLINA	NO	NO	<p>NOT ELIGIBLE BY JUDICIAL DECISION AND POLICY</p> <p>Statute: "able to work and is available for work..." S.C. Code §41-35-110(3) (1994).</p> <p>Judicial decision: part time availability for child care reasons, even with P/T history makes claimant ineligible, <u>Murphy v. ESC</u>, 492 S.E.2d 625 (S.C. Ct. App. 1997).</p> <p>Policy: Full-time availability required for eligibility.</p>	NOT ELIGIBLE
SOUTH DAKOTA	YES	YES	<p>ELIGIBLE BY POLICY</p> <p>Statute: "able to work, and is available for work..." S.D. Code §61-6-2(3) (1993).</p> <p>Policy: Part-time workers are eligible for UI benefits. Report to NASWA.</p>	ELIGIBLE ON SAME BASIS AS OTHER CLAIMANTS
TENNESSEE	YES	NO	<p>NOT ELIGIBLE</p> <p>Statute: "able to work, available for work..."</p> <p>Judicial decision: Availability requires willingness to accept full time work, <u>Aladdin Industries v. Scott</u>, 407 S.W. 2d 161 (Tenn. 1966).</p> <p>Policy: Full-time availability required for UI eligibility. Telephone contact with agency.</p>	NOT ELIGIBLE

STATE	U.S. General Accounting Office Survey (December 2000)	Updated Advisory Council on Unemployment Compensation Survey (2001)	Legal Review (January 2002)	Summary of UI Treatment of Part-time Workers
TEXAS	NO	NO	<p>NOT ELIGIBLE BY AGENCY POLICY</p> <p>Statute: “is available for work...” Tex. Unempl. Comp. Act §207.021(4). Judicial decision: Eligibility requires case-by-case determination, weighing time and hour restrictions against demand for workers of claimant’s type- but case found not eligible, <u>Texas Empl. Comm. v. Hays</u>, 360 S.W.525 (1962). Administrative decision: restrictions on hours due to domestic responsibilities rendered claimant unavailable, Comm. Dec. 466-CA-65 7/14/65 (Tex. B SW-90-59, BSSUI).</p>	NOT ELIGIBLE
UTAH	NO	NO	<p>NOT ELIGIBLE BY REGULATION</p> <p>Statute: “able to work and is available for work...” Utah Code Ann. §35-4-4(1)(c) (1999). Regulation: “available for full-time work...” Utah Admin. R. §994-403-117c(1) (1999). Confirmed by report to NASWA.</p>	NOT ELIGIBLE
VERMONT	YES	YES	<p>ELIGIBLE BY JUDICIAL DECISIONS</p> <p>Statute: “able to work, and is available to work...” Vt. Stat. Ann. §1344(a)(3) (2000). Judicial decisions: need to establish good cause and attachment to labor market to limit availability; parental responsibility may constitute good cause, <u>Shufelt v. DET</u>, 531 A.2d 894 (Vt. 1987); claimant available so long as restrictions do not substantially remove her from labor market, <u>Carson v. DES</u>, 376 A.2d 355 (Vt. 1977); claimant available where had P/T work history, <u>Stryker v. DES</u>, 356 A.2d 534 (Vt.1976).</p>	ELIGIBLE ON SAME BASIS AS OTHER CLAIMANTS

STATE	U.S. General Accounting Office Survey (December 2000)	Updated Advisory Council on Unemployment Compensation Survey (2001)	Legal Review (January 2002)	Summary of UI Treatment of Part-time Workers
VIRGINIA	NO	NO	<p>NOT ELIGIBLE BY JUDICIAL DECISIONS AND AGENCY POLICY</p> <p>Statute: “able to work, available for work...” Va. Code §60.2-612 (7)(a) (2000). Judicial decisions: unavailable if restricts availability to suit personal needs, <u>UCC v. Tomko, et a.</u>, 192 Va. 463, 65 S.E.2d 524 (1951). Policy: Full-time availability required for eligibility. Report to NASWA.</p>	NOT ELIGIBLE
VIRGIN ISLANDS	NO	NO	<p>NOT ELIGIBLE BY AGENCY POLICY</p> <p>Statute: “available for suitable work...” V.I. Unempl. Ins. Act§304(b)(1) (1994). Policy: Full-time availability required for eligibility. Telephone contact with agency.</p>	NOT ELIGIBLE
WASHINGTON	NO	NO	<p>NOT ELIGIBLE BY ADMINISTRATIVE DECISIONS</p> <p>Statute: “willing . . . to accept any suitable work...” Wash. Rev. Code §50.20.010(3) (1995). Administrative decision: denial of benefits if unavailable for “any period in excess of two days, <u>Matter of Tomich</u>, (Wash. Super. Ct., 1964). Policy: Must be available for full-time work. Report to NASWA.</p>	NOT ELIGIBLE
WEST VIRGINIA	NO	NO	<p>NOT ELIGIBLE BY STATUTE</p> <p>Statute: “available for full-time work...” W.Va. Unempl. Comp. Law §21A-6-1 (1994).</p>	NOT ELIGIBLE

STATE	U.S. General Accounting Office Survey (December 2000)	Advisory Council on Unemployment Compensation Survey of State Administrators (2001)	Legal Review (January 2002)	Summary of UI Treatment of Part-time Workers
WISCONSIN	NO	NO	<p>NOT ELIGIBLE BY REGULATION</p> <p>Statute: “able to work and available for work...” Wis. Stat. §108.04(2)(a)(1).</p> <p>Regulation- not eligible if “without good cause restricts ..availability ..to less than 50% of the full time opportunities for suitable work...” Wis. Admin. Code §(I.L.H.R.) 128.01 (2)(a).</p> <p>Policy: Do not pay part-time workers only available for part-time work. Report to NASWA.</p>	NOT ELIGIBLE
WYOMING	YES	YES	<p>ELIGIBLE BY AGENCY POLICY</p> <p>Statute: “able and available for work...” Wyo. Stat. §27-3-306(a)(iii) (1999).</p> <p>Policy: Part-time availability permitted for workers earning eligibility based part-time work since 1949. Contact with agency confirmed by report to NASWA.</p>	ELIGIBLE WITH PART-TIME WORK HISTORY