

Implementing the Unemployment Insurance Modernization Provisions of the Recovery Act in the States

By
National Employment Law Project

Over the past decade, more than half the states adopted major reforms to modernize their unemployment insurance programs, thus helping to fill the gaps in the system that deny benefits to large numbers of deserving workers. The Unemployment Insurance Modernization Act (UIMA) provided the states with \$7 billion in incentive funding to expand these model reforms nationwide. Of special significance, the UIMA provides funding for reforms that help those groups who fall through the cracks of the program, including low-wage workers, women, part-time workers, and the long-term unemployed.

The UIMA is a key component of the American Recovery and Reinvestment Act, which was signed into law by President Obama on February 17, 2009. Together with the other economic recovery measures that make up this critical federal initiative, the UIMA is well-timed to help the states as their legislative sessions take shape and they take on the difficult task of putting in place new measures to respond to the devastating realities of today's recession. Expanding the unemployment safety net will go a long way to provide the immediate relief workers need to pay their bills and navigate today's challenging labor market, while also boosting the economy in those communities hardest hit by the recession.

What follows is a summary of the key reforms that qualify for incentive funding under the UIMA and model state legislation to help policy makers in the states as they introduce bills in preparation for their legislative sessions. By immediately filing bills featuring the model provisions of the UIMA, the states are also in a unique position to demonstrate their strong support for the UIMA and therefore help ensure its timely passage.

The UIMA is structured to reward states that adopt those reforms that have proven most effective at helping those workers who have fallen through the cracks of the unemployment program to collect benefits, starting with low-wage workers. Low-wage workers are twice as likely to find themselves unemployed, but they are one-third as likely to collect unemployment benefits. Thus, to qualify for incentive funding under the UIMA, states must first adopt a policy described below called the "alternative base period," the single most effective state reform that helps low-wage workers qualify for unemployment benefits. A state qualifies for one-third of its UIMA funding when it adopts the alternative base period. Without the alternative base period, the state cannot qualify for additional UIMA incentive funding.

To qualify for the remaining two-thirds of the UIMA incentive funding, the states have the option of adopting two additional provisions from a list of proven reforms that help part-time workers, women and the long-

term unemployed better access unemployment benefits. Specifically, states have the option of providing workers benefits in the following four situations: 1) part-time workers who are denied benefits because they are required to seek full-time work; 2) individuals who leave work for compelling family reasons, including domestic violence and other specific situations; 3) permanently laid-off workers who require extra unemployment benefits to participate in training; and 4) increased unemployment benefits for workers who care for dependent family members.

In the year since the enactment of the Recovery Act, the U.S. Department of Labor has distributed over \$2.8 billion in UIMA incentive payments to 32 states that have enacted qualifying reforms. Twenty-two states have received their full shares, while ten states have received the first third share for alternate base period implementation. There is still over \$4.1 billion available for payment to states that have yet to enact UIMA reforms. Recently, the U.S. Department of Labor issued UI Training and Employment Notice 27-09, encourage states to take up these options, stating directly that “these eligibility provisions are not novel or radical; in fact, many state laws contained the qualifying provisions prior to the enactment of the modernization provisions.” The notice is available at http://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=2851

More information on the UIMA is available on-line from NELP at www.nelp.org, along with contact information for NELP’s expert staff who are available to help state policy makers as they consider reforms to implement the UIMA. The requirements for UIMA funding will be further defined by the Secretary of Labor, and NELP will continue to update this fact sheet as these additional specifics are released.

I. Alternative Base Period

- What is the “alternative base period”?

In measuring whether a worker has sufficient recent attachment to the workforce to qualify for UI, states look at a worker’s earnings during a past four-quarter “base period.” Several states do not count a worker’s most recent earnings towards unemployment insurance eligibility. Many low-wage workers and others are thus denied benefits even though they actually have earned enough to qualify. The alternative base period (ABP) allows workers who fail the typical base period test to count more recent earnings on their claim for benefits. Adopted in 34 states and the District of Columbia, the ABP substantially helps low-wage workers receive UI benefits at the time they need them most – when they become unemployed – at a modest cost to states.

- Key arguments in support of the alternative base period:

1. The traditional base period year limits access to UI by not considering all recent work experience. A base period is typically four calendar quarters. Most states define their base periods as the first four of the last five completed calendar quarters. In other words, workers filing UI claims cannot use wages earned in the current quarter (the “filing quarter”) or the most recently completed quarter (the “lag quarter”).

2. The traditional base year is a key reason why low-wage workers receive state benefits at half the rate of higher wage workers. The exclusion of recent earnings makes it difficult for low-wage workers to have sufficient earnings on their application to meet the minimum required to qualify. Low-wage workers

make up nearly about six in ten of those who need the ABP to qualify for UI benefits. High and moderate wage workers (like construction workers) with uneven earnings are also disqualified when the traditional base period is the only qualification option.

3. ABP simply shifts the timing of the base period year for those who otherwise have a sufficient wage history to qualify for benefits. Some workers don't have sufficient earnings in their traditional base period to qualify. The alternative base period year allows those workers who miss the regular earnings requirements to use wages from their lag quarter (and in some states the filing quarter). The ABP simply allows workers to use earnings from a more recent period to be considered so they can get benefits sooner – when they become unemployed. These workers have sufficient earnings to qualify for UI, but might need to wait for up to six months before the earnings can be counted. Denying UI to employed workers under the traditional base period test undermines the goal of unemployment insurance, which is to provide temporary income support to workers *when* they lose their jobs.

4. In many states, the most important way to increase low-wage worker access to unemployment benefits is to pass the ABP. Measuring earnings using an ABP expands UI coverage to low-wage or part-time workers. A 2005 study of states that implemented ABP laws found that the average hourly wage of workers who qualified for UI benefits using a standard base period was \$13.08; for those who qualified using the ABP, it was \$9.58. In Georgia, more than half of ABP recipients earned less than \$9.00/hour in their prior jobs. In its first year of implementation, 53 percent of all ABP recipients in Virginia were African-American, even though they made up only 38 percent of the state's total unemployed population. Seasonal workers, such as those in the building trades, also benefit from Abs, because these workers often earn wages in concentrated periods.

- How does the alternative base period help low-wage workers receive unemployment benefits?

Here is how the ABP helps provide UI benefits to workers who have sufficient earnings to qualify only if more recent earnings are considered:

Consider a worker who loses a job and files for UI in April. Under a traditional base period approach, only earnings from January through December of the prior year are considered and the five months of earnings in the current calendar year (from January through April) are not counted at this time. If the worker remains unemployed and some months pass, eventually the more recent earnings would be considered and the worker could receive UI based on these earnings, but benefits are denied at the time the worker needs them most.

Under an Alternative Base Period, if a worker cannot qualify under the traditional measure, the more recent earnings can be considered. Typically, the last completed quarter (lag quarter) is considered although some states also consider earnings from the current quarter (filing quarter). When the earnings from January, February and March (lag quarter in this example) are considered, a worker who has sufficient earnings to qualify can receive benefits right away.

Traditional Base Period

First Quarter	Second Quarter	Third Quarter	Fourth Quarter	Completed Lag Quarter	Time of Layoff - Filing Quarter
---------------	----------------	---------------	----------------	-----------------------	---------------------------------

Lag Quarter Alternative Base Period

First Quarter	Second Quarter	Third Quarter	Fourth Quarter	Completed Lag Quarter	Time of Layoff - Filing Quarter
---------------	----------------	---------------	----------------	-----------------------	---------------------------------

Filing Quarter Alternative Base Period

First Quarter	Second Quarter	Third Quarter	Fourth Quarter	Completed Lag Quarter	Time of Layoff - Filing Quarter
---------------	----------------	---------------	----------------	-----------------------	---------------------------------

- Responding the opponents' arguments.

1. **Opponents Argue:** Adopting the ABP would deplete our state's trust fund.

Response: Low-wage workers qualifying for the ABP get relatively small UI checks. ABP claims represent from 2.1 to 6.5 percent of eligible claims in states that have implemented the change, but only 1.1 to 5.2 percent of monetary payouts. In addition, the cost estimates do not take into account that a fair proportion of newly-included recipients would have remained unemployed and filed valid UI claims at a later date (up to 40 percent according to one state's study).

2. **Opponents Argue:** The ABP is too expensive and difficult to administer.

Response: ABP implementation requires one-time changes to computer systems and training of personnel, but those costs can be minimized by using internal staff for the modest changes needed. In states that have implemented the ABP, programming has taken about 1,000 work hours plus a one-half day training, with programming costs as low as \$64,000. Less than half of lag quarter ABP claims require wage data beyond the state's regular records.

To keep costs low, most states only allow wages from the completed lag quarter, with annual costs running at only half a million dollars per year. Employers sometimes raise concerns about the additional paper work required for ABP administration. While such paperwork may be required, the burden presented by the volume of ABP claims is not substantial. Indeed, that's the experience of the large number of states that have now implemented the ABP.

3. **Opponents Argue:** Workers who qualify for unemployment benefits with the help of the ABP are not sufficiently attached to the labor market.

Response: ABP claimants must meet the same earnings requirements used to establish labor force attachment (such as the requirement of having total base period earnings that are 1.5 times the high quarter) as other claimants. ABP does not lessen the amount of work history required; it just changes the period that is examined for work history. ABP allows those workers with sufficient labor force attachment to receive UI benefits to support their families at the time they need the help the most.

- How many states have adopted the ABP?

Thirty-four states plus the District of Columbia now use an alternative base period (Table 1).

II. Part-Time Worker Eligibility

- What is the rule limiting unemployment benefits for part-time workers?

Part-time employees, most often women and low-wage workers, are the victims of outdated UI eligibility rules. Many states exclude part-time workers from UI benefits by requiring them to look for full-time work in order to receive UI. The result is that many part-time workers are excluded from UI even though their wages were subject to UI payroll taxes and their earnings prior to layoff meet state monetary eligibility rules. A growing number of states (27 to date) have adopted policies that provide UI benefits to many unemployed part-time workers in their state.

- Key arguments in favor providing unemployment benefits to part-time workers.

1. **Part-time workers are an important part of the labor force and the economy.** One in six American workers is employed part time. Part-timers work for substantial lengths of time – an average of 36 weeks a year, compared with 48 weeks for full-time workers. The average prime age (25-44) part-time worker works 23 hours per week, the equivalent of three full days. Part-time workers also represent a large share of the unemployed—with roughly one in six of all unemployed workers reporting they are looking for part-time work.

2. **Part-time workers and their employers contribute to the UI system. These workers should be protected when laid off.** UI is paid for directly by employers and indirectly by workers, as a tax on some or all of a worker's wages. In almost half the states, even a part-time worker who has contributed to the system for twenty years cannot receive UI unless s/he is willing to switch to full-time work.

3. **Equality for workers who pay into the unemployment system.** Adult part-time workers are 59 percent less likely to receive UI than full-time workers. And while women represent 44 percent of the full-time workforce, they account for 70 percent of all part-time workers. About one in three women works part-time. Thus, adopting policies that allow part-time workers to participate in unemployment insurance is an important step towards expanding access to UI benefits for women and low-wage workers.

- Responding to the opponents' arguments.

1. **Opponents Argue:** It is too expensive to pay UI benefits to part-time workers.

Response: The duration and weekly amount of unemployment insurance benefits a worker can receive are determined by the amount of a worker's past wages. Because part-time workers have worked less and earned less, the cost of extending UI eligibility to these workers is relatively low. For the most part, weekly UI benefits will be lower for unemployed part-time workers than for other workers. In addition, part-time workers tend to remain unemployed for shorter periods of time than full-time workers so the duration of

benefits is less than for other workers. Thus, the cost of parity for part-time workers is a tiny portion of overall UI costs. For example, an analysis of Georgia data led to an estimate that expanding UI eligibility for part-time workers in that state would cost less than *one-third of one percent* of total UI benefits (\$2.5 million out of a total of \$780 million).

- How many states provide unemployment benefits to part-time workers?

Twenty-seven states provide unemployment benefits to part-time workers under the provisions of the UIMA. The District of Columbia provides benefits to part-time workers, but with serious restrictions that do not qualify for incentive funding under the UIMA.

III. Extended Unemployment Benefits While in Training

- What is the policy of the states that provide extra unemployment benefits for workers in training?

About a dozen states extend UI benefits to jobless workers in approved training, with specific requirements differing from state to state. State UI extensions provide these workers with income support beyond the normal duration of state UI benefits. Since these extensions are paid under state laws, states have considerable leeway in targeting specific sectors or occupations for this type of subsidized retraining.

State extensions for retraining – known as “additional benefits” – serve important needs in states that use them. Generally, states require that jobless workers have lost work in a declining industry or occupation in order to qualify. States furnish extensions where retraining is necessary for the claimant to find a full-time job in another sector, one in which there are labor shortages or growing numbers of jobs. Workers who are approved for training are permitted to attend the training rather than searching for new work. Benefit extensions for workers in training are paid from state UI trust funds to workers who qualify for UI, and, in most cases, these benefits are not charged directly to former employers.

- Key argument in favor of providing extra unemployment benefits to workers in training.

Income support from benefit extensions is vital for workers needing substantial retraining. Most jobless workers cannot attend training full time without some form of income support. Benefit extensions make it possible for jobless individuals to complete training that lasts longer than the normal duration of state UI benefits (typically no more than 26 weeks). Additional benefits give working families essential help in completing meaningful retraining and avoiding future layoffs from declining industries.

- Responding to the opponents’ arguments.

Opponents Argue: State benefit extensions deplete trust funds and raise costs.

Response: While paying benefit extensions to jobless workers in retraining programs results in additional costs to state UI programs, these costs are offset in part by reductions in future layoffs (and reductions in UI claims) that result from shifting jobless workers into fields with lower unemployment. In addition, effective training raises wages and boosts a state’s economy, and this lowers UI costs.

- How many states provided extended unemployment benefits to workers in training?

Twelve states qualify for UIMA funding by providing at least 26 weeks of extended unemployment benefits to workers in training to workers in various industries suffering from serious job losses.

IV. Compelling Family Reasons for Leaving Work

Under the UIMA, states qualify for incentive funding if they have adopted policies providing benefits to those who leave work for each of the following compelling family circumstances: domestic violence, the individual's spouse relocates to another location ("trailing spouse"), the individual is taking care of a sick family member.

A. Trailing Spouse

- What is the state rule denying benefits to workers who leave work to follow their spouse to another location?

In our highly mobile society, almost one in four families moves every year, and about one-third of these are across county lines. Military families move even more frequently; almost 39 percent each year. When a family member is transferred by his or her employer across county or state lines, the "trailing spouse" or partner must often quit a job in order to move with the family. She will frequently be considered to have quit work voluntarily and may be disqualified from UI. Twenty-six states deny unemployment benefits to trailing spouses who are forced to leave their jobs as a result of a family move.

- Key argument in support of state laws providing benefits to the "trailing spouse."

The UI system must adapt to the mobility of families in America and the large number of two-worker families. In the vast majority of family moves, it is the woman who follows her spouse or partner to a new job. Often, the trailing spouse must leave a job to move with the family, as both partners work in nearly 60 percent of married-couple families. The UI "gender gap" is due in part to the failure of UI systems to compensate individuals (mostly women) who must leave their work due to mandatory job transfers of their spouse or partner.

- Responding to the opponents' arguments.

Opponents' Argue: When a spouse leaves a job in order to follow her spouse, the job separation is voluntary, and not the responsibility of the employer.

Response: Millions of American families have two working spouses, trying to balance work and family responsibilities. State UI systems are intended to disqualify from benefits those who leave work voluntarily. Spouses who sacrifice their jobs, uproot their families, and adapt to a new place in order to keep the family together are not voluntarily quitting work.

- How many states provide unemployment benefits to "trailing spouses"?

Twenty-four states have adopted provisions that comply with the UIMA to provide benefits to trailing spouses. Some states previously failed to qualify for UIMA funding because the trailing spouse provisions were limited to military and other special categories of workers. These states have since enacted fixes and now qualify for UIMA funding.

B. Domestic Violence

- What is the state policy providing unemployment benefits to domestic violence survivors?

Domestic violence follows its victims to work and can have an enormous impact on their ability to retain a job. Survivors of domestic violence who must leave their jobs because of the violence in their lives may be disqualified from receiving unemployment benefits if domestic violence is not considered good cause for leaving a job. Responding to this situation, a majority of the states have enacted specific provisions in their UI laws in the past decade that provide benefits to those who must leave a job due to domestic violence or stalking.

- Key arguments in support of providing unemployment benefits to domestic violence survivors?

1. Nearly all employed domestic violence survivors experience work-related problems as a result of their abuse. Ninety-six percent report some type of work-related problem due to the violence they suffer in their personal relationships. One example is where a perpetrator stalks a victim at her workplace—making harassing phone calls, waiting outside, or coming into the workplace and verbally or physically assaulting her. According to a series of studies, between 24 and 52 percent of domestic violence victims report that they lost a job due, at least in part, to domestic violence.

2. Maintaining an independent source of income is critical for women who are trying to escape domestic violence and remain connected to work. Job loss, or the threat of job loss, prevents many battered women from escaping violent relationships. Without an income source separate from their abusers, many women are unable to escape the violence in their homes. Survivors should not have to choose between violence and poverty.

3. Unemployment insurance is needed to help domestic violence survivors maintain safety from their abusers. State UI laws can help battered women find and maintain safety for themselves and their children by requiring that job search requirements accommodate the safety concerns of domestic violence survivors.

- Responding to the opponents' arguments.

1. Opponents Argue: Providing UI to domestic violence or stalking victims is costly.

Response: There is considerable evidence demonstrating that the cost of providing unemployment insurance to victims of domestic violence has been quite low (and much lower than opponents have frequently claimed). UI benefits are only available if domestic violence is the reason the victim had to leave a job. For example, in Minnesota, for the twelve months from March 1, 2003, through February 19, 2004,

there were 31 cases covered by its domestic violence unemployment law for a total cost of \$77,000. North Carolina had 63 claims in 2002 (as of June, 2002), for a yearly cost of \$101,088. South Dakota just enacted its law in 2003. In most states, benefits are not charged to an individual employer's account, but spread out among all of the employers in the state.

2. **Opponents Argue:** It is inappropriate to use the UI fund for this purpose.

Response: The unemployment compensation system was designed in 1935 for workers who are attached to the labor force and who are unemployed through no fault of their own. Domestic violence victims who must leave work due to the violence fall well within this purpose. Increased participation of women in the workforce as well as society's increased awareness and responsiveness to domestic violence requires that states update their good cause provisions to ensure that the purpose of UI can be fulfilled for domestic violence victims.

- How many states provide unemployment benefits to domestic violence survivors?

Thirty states and the District of Columbia provide unemployment benefits to workers who leave their jobs due to domestic violence, complying with the provisions of the UIMA (Table 1).

C. Leaving Work Due to Illness or Disability

- What is the state policy providing unemployment benefits to workers who are forced to leave work to care for sick family members?

When working families face the illness of a child or family member, it can become impossible to continue working, especially in emergency situations where the employer does not provide paid sick days and the worker has limited help to take care of a sick family member. States have increasingly recognized that leaving a job in these compelling situations should be treated as "good cause" which should not disqualify the worker from receiving unemployment benefits. These model states provide UI benefits, especially in the cases where workers have checked in with their employers but have not been able to find a reasonable work accommodation.

- Key arguments in support providing benefits for workers who are forced to leave work to care for sick family members?

Unemployment benefits are there for workers who lose their job through circumstances beyond their control. A serious disability or illness of a family member, especially one that could not be anticipated, is effectively no different than a layoff since both are beyond the worker's control. In addition, many workers who are forced to leave work to care for sick family member do so because of inadequate sick leave and other workplace policies that help workers accommodate family emergencies.

- Responding to the opponents' arguments.

Opponents Argue: Workers forced to leave work are not available for work and should not qualify for UI benefits, even if they leave work to take care of sick family members.

Response: This argument represents a fundamental misunderstanding of unemployment insurance

eligibility rules. UI benefits in states with these policies would only be available to workers who remain available for a different work arrangement while care giving. More frequently workers will have to quit work and stay out of the workforce for the limited duration of an illness or during the period when they cannot find alternative care for their sick family member. Thus, in these cases, UI benefits would only be available when workers resume their work search after leaving work to take care of the immediate health care issue.

- How many states provide benefits to workers forced to leave their jobs to care for a sick family member?

Twenty-one states have specific provisions that ensure that workers forced to leave work to care for sick family members can collect UI benefits (Table 1).

IV. Dependent Allowances

- What are the state policies that provide extra unemployment benefits for families with dependents?

Some states provide a supplemental UI benefit to recognize the financial hardships that families with children face when a wage-earner is unemployed. Unemployment insurance benefits too often are insufficient to provide for the needs of the children in families that struggle to make ends meet even in good times. Fourteen states, plus the District of Columbia, address the special hardships for families trying to subsist on an unemployment check by paying a regular weekly dependent or children's allowance as part of a UI check.

- Key arguments in support of providing extra unemployment benefits for families with dependents.

1. Families living on unemployment endure special hardships. Unemployment places financial stress on families. When parents lose jobs, the family income drops; UI benefits only replace a portion of the lost wages. A nationwide poll of unemployed workers found that 84 percent of women with children, and 77 percent of men, reported increases in family stress as a result of their unemployment. Two-thirds of the women polled said they cut spending on their children, food and medical care while unemployed.

2. Dependents' benefits help low-wage working families survive. The UI system is intended to partially replace lost wages for unemployed workers. Low-wage families often are stretched so thin financially that any reduction of income cuts into the ability to meet basic needs. In 1995, the Advisory Council on Unemployment Compensation found that families earning less than \$15,000 a year spend 65 percent of their income on necessities. In nine of the states that provide dependent benefits as part of the UI benefit, the benefit replaced 65% or more of previous income – enough to meet necessary spending for average low-income families.

- Responding to the opponents' arguments.

1. **Opponents Argue:** Unemployment Insurance is not welfare; dependents' benefits make it look like welfare.

Response: Unlike welfare, receipt of UI benefits is not based on poverty and the presence of children in a family, but on attachment to the workforce and the amount of wages earned in prior work.

2. **Opponents Argue:** Providing dependent benefits is costly.

Response: The additional children's portion, while very important to the family budget, is generally small (\$15 or \$25 per child) and capped at a maximum number of children. Moreover, a common restriction on dependents' benefits is that they cannot exceed one-half of a worker's weekly benefit amounts.

3. **Opponents Argue:** Workers do not get a higher wage rate just because they have children, so why should they get a higher UI check?

Response: Actually, workers do get to keep more of their paycheck based on the number of dependents. The amount of take-home pay a worker keeps varies by the number of dependents. The Earned Income Tax Credit amount also is based on the number of dependent children in the household. Social Security Disability Insurance, whose purpose is similar to UI in replacing lost earnings of workers, includes an additional portion as dependent benefits.

- How many states provide extra unemployment benefits to families with dependents?

Although 14 states provide additional unemployment benefits to families with dependents, only six of these states provide the required \$15 per dependent that qualifies for incentive funding under the UIMA (Table 1).

Model State Legislation Implementing the UI Modernization Provisions of the Recovery Act

Alternative Base Period

Model Language:

Section 1. Except as provided in Section 2, "base period" means the first four of the last five completed calendar quarters immediately preceding the individual's benefit year.

Section 2. (a) "Alternate base period" means for benefit years effective on or after _____, for any individual who does not have sufficient wages in the base period as defined in section 1 to qualify for benefits, the individual's base period shall be the four most recently completed calendar quarters prior to the individual's benefit year if such period qualifies the individual for benefits, provided such quarters were not previously used to establish a prior valid benefit year.

(b) If the wage information for an individual's most recently completed calendar quarter is not unavailable to the department from regular quarterly reports of systematically accessible wage information, the department shall promptly contact the individual's employer to obtain such wage information. The commissioner shall establish such rules as are necessary for the implementation of this subsection.

(c) Wages that fall within the base period of claims established under this section shall not be available for reuse in qualifying for any subsequent benefit years.

NOTE: Generally, state UI laws should already contain a provision that defines the regular base period along the lines of Section 1 above.

Compelling Family Circumstances

Note: To qualify for an incentive payment using the "compelling family reason" option, the state law must provide that an individual will not be disqualified from separating for work under any and all of the following circumstances:

- Domestic violence (verified by reasonable and confidential documentation as the state law may require) which causes the individual reasonably to believe that the individual's continued employment would jeopardize the safety of the individual's immediate family (as defined by the U.S. Department of Labor).
 - The illness or disability of a member of the individual's immediate family (as those terms are defined by the U.S. Department of Labor).
 - The need for the individual to accompany his/ her spouse: (1) to a place from where it is impractical for such individual to commute; and (2) due to a change in location of the spouse's employment.
- (Unemployment Insurance Program Letter 14-09)

Model Language:

A. Domestic Violence

1. *An individual shall not be disqualified from unemployment benefits for separating from employment due to domestic violence and/or sexual assault that is verified by reasonable documentation and that causes the individual to reasonably believe that the individual's continuing employment would jeopardize the safety of the individual or an immediate family member.*
2. *Reasonable documentation of domestic violence and/or sexual assault includes but is not limited to the following:*
 - (a) *a court order for protection or other documentation of equitable relief issued by a court;*
 - (b) *a police record documenting domestic violence;*
 - (c) *medical documentation of domestic violence and/or sexual assault;*
 - (d) *documentation that the perpetrator of the domestic violence and/or sexual assault has been convicted of a crime involving domestic violence;*
 - (e) *a written statement that the individual or the individual's immediate family member is a victim of domestic violence and/or sexual assault, provided by a social worker, member of the clergy, shelter worker, attorney at law, other professional who has assisted the applicant in dealing with the domestic violence, or*
 - (f) *a reliable statement that the individual or the individual's immediate family member is a victim of domestic violence and/or sexual assault from a person with knowledge of the domestic violence and/or sexual assault;*
3. *"Immediate family member" means the individual's spouse, parent or child under the age of eighteen.**

B. Care for Family Member

1. *An individual shall not be disqualified from unemployment benefits due to the need to care for an immediate family member with a verified illness or disability that necessitates the care of the ill or disabled person for a period of time longer than the employer is willing to grant leave, paid or otherwise.*
2. *"Immediate family member" means the individual's spouse, parent or child under the age of eighteen.**

***Note:** While the definition of "immediate family member" (in both the domestic violence and family care provisions above) must include – at a minimum – spouse, parent or child under the age of 18, states may also include other family members including but not limited to adult child, brother, sister, parent-in-law, grandchild, grandparent, step-parent, step-child, step-brother and step-sister.

C. Relocating for Spouse's Employment

An individual shall not be disqualified from regular unemployment benefits for separating from employment due to the need to relocate in order to accompany the individual's spouse: (1) to a place from which it is impractical for such individual to commute, and (b) because of a change in the location of the spouse's employment.

Note: States may explicitly non-charge employers for benefits awarded under any or all of the three compelling family circumstances provisions.

Part-time Availability

Under the part-time availability option, state law must provide that an individual will not be denied unemployment benefits under any provision relating to availability for work, active search for work, or refusal to accept work, solely because the individual is seeking only part-time work as defined by the U.S. Department of Labor.

- A state law *may* deny benefits if a majority of weeks of work in the individual's base period do *not* include part-time work, but this is not required.
- A state law may *not* require that more than a majority of weeks in the base period have been part-time
- A state law may determine that an individual who worked full-time during his/her base period is eligible for benefits even if the individual limits his/her availability to seeking part-time work.

(Unemployment Insurance Program Letter 14-09)

Model Language:

Option 1: *No individual who is otherwise eligible shall be deemed ineligible for benefits solely for the reason that the individual seeks, applies for or is willing to accept only part-time work, instead of full-time work, if the part time work is for at least twenty hours per week.*

Option 2: *No individual who is otherwise eligible shall be deemed ineligible for benefits solely for the reason that the individual seeks, applies for or is willing to accept only part-time work, instead of full time work, if the part-time work is for at least the number of hours that the individual customarily worked in part-time work during that individual's base period.*

Option 3: *No individual who is otherwise eligible shall be deemed ineligible for benefits solely for the reason that the individual seeks, applies for or is willing to accept only part time work, instead of full time work, if the part-time work is for at least the number of hours that the individual worked in part-time work at the time of his most recent separation from employment.*

Dependents' Allowance

Model Language:

Each individual who is eligible to receive benefits with respect to any week shall be paid with respect to such week a dependents' allowance for each dependent (as defined by state law) in an amount equal to fifteen dollars per dependent, but in no event shall the aggregate dependents' allowance in a given week exceed the higher of fifty dollars or fifty percent of the individual's weekly benefit amount, whichever is less.

Option: State law may provide for a reasonable reduction in dependents' allowance if the individual's weekly benefit amount is subject to reduction because of earnings in a given week. Applying the same pro rata reduction of dependent's allowance as was applied to weekly benefit amount is considered reasonable. However, no reduction is required.

<p>Note: (1) Definition of "dependent" is subject to state law. (2) States may explicitly non- charge dependents' allowance benefits</p>

Extended Training Benefits

Model Language

(a) Weekly benefits shall be payable to any individual who is unemployed, has exhausted all rights to regular benefits and is enrolled and is making satisfactory progress in a state-approved training program or in a job training program authorized under the Workforce Investment Act of 1998

(b) Any training program under Subsection (a) shall prepare for entry in a high-demand occupation individuals who have been either (1) involuntarily and indefinitely separated from employment as a result of a permanent reduction of operations at the individual's place of employment, or (2) separated from a declining occupation,

(c) The weekly amount of benefits payable under section (a) shall be equal to the individual's average weekly benefit amount (including dependents' allowance) for his most recent benefit year, less any income deductible under state law.

(d) The total amount of benefits payable under subsection (a) shall be equal to 26 times the individual's average weekly benefit amount (including dependents' allowances) for the individual's most recent benefit year.

<p>(1) The job training requirements in subsection (b) are the minimum requirements for UIMA certification. A state can pay extended training benefits to a broader class of individuals than the categories specified in subsection (b). (2) States may explicitly non-charge extended training benefits.</p>
--