

SECOND REGULAR SESSION

# HOUSE BILL NO. 2296

## 97TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE FITZPATRICK.

6548H.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal section 288.060, RSMo, and to enact in lieu thereof one new section relating to employment security.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Section 288.060, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 288.060, to read as follows:

288.060. 1. All benefits shall be paid through employment offices in accordance with such regulations as the division may prescribe.

2. Each eligible insured worker who is totally unemployed in any week shall be paid for such week a sum equal to his or her weekly benefit amount.

3. Each eligible insured worker who is partially unemployed in any week shall be paid for such week a partial benefit. Such partial benefit shall be an amount equal to the difference between his or her weekly benefit amount and that part of his or her wages for such week in excess of twenty dollars, and, if such partial benefit amount is not a multiple of one dollar, such amount shall be reduced to the nearest lower full dollar amount. For calendar year 2007 and each year thereafter, such partial benefit shall be an amount equal to the difference between his or her weekly benefit amount and that part of his or her wages for such week in excess of twenty dollars or twenty percent of his or her weekly benefit amount, whichever is greater, and, if such partial benefit amount is not a multiple of one dollar, such amount shall be reduced to the nearest lower full dollar amount. Termination pay, severance pay or pay received by an eligible insured worker who is a member of the organized militia for training or duty authorized by Section 502(a)(1) of Title 32, United States Code, shall not be considered wages for the purpose of this subsection.

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18           4. The division shall compute the wage credits for each individual by crediting him or  
19 her with the wages paid to him or her for insured work during each quarter of his or her base  
20 period or twenty-six times his or her weekly benefit amount, whichever is the lesser. In addition,  
21 if a claimant receives wages in the form of termination pay or severance pay and such payment  
22 appears in a base period established by the filing of an initial claim, the claimant may, at his or  
23 her option, choose to have such payment included in the calendar quarter in which it was paid  
24 or choose to have it prorated equally among the quarters comprising the base period of the claim.  
25 [The maximum total amount of benefits payable to any insured worker during any benefit year  
26 shall not exceed twenty times his or her weekly benefit amount, or thirty-three and one-third  
27 percent of his or her wage credits, whichever is the lesser.] For the purpose of this section, wages  
28 shall be counted as wage credits for any benefit year, only if such benefit year begins subsequent  
29 to the date on which the employing unit by whom such wages were paid has become an  
30 employer. The wage credits of an individual earned during the period commencing with the end  
31 of a prior base period and ending on the date on which he or she filed an allowed initial claim  
32 shall not be available for benefit purposes in a subsequent benefit year unless, in addition thereto,  
33 such individual has subsequently earned either wages for insured work in an amount equal to at  
34 least five times his or her current weekly benefit amount or wages in an amount equal to at least  
35 ten times his or her current weekly benefit amount.

36           **5. The duration of benefits payable to any insured worker during any benefit year**  
37 **shall be limited to:**

38           **(1) Twenty weeks if the Missouri average unemployment rate is nine percent or**  
39 **higher;**

40           **(2) Nineteen weeks if the Missouri average unemployment rate is between eight and**  
41 **one half percent and nine percent;**

42           **(3) Eighteen weeks if the Missouri average unemployment rate is eight percent up**  
43 **to and including eight and one half percent;**

44           **(4) Seventeen weeks if the Missouri average unemployment rate is between seven**  
45 **and one half percent and eight percent;**

46           **(5) Sixteen weeks if the Missouri average unemployment rate is seven percent up**  
47 **to and including seven and one half percent;**

48           **(6) Fifteen weeks if the Missouri average unemployment rate is between six and one**  
49 **half percent and seven percent;**

50           **(7) Fourteen weeks if the Missouri average unemployment rate is six percent up to**  
51 **and including six and one half percent; and**

52           **(8) Thirteen weeks if the Missouri average unemployment rate is below six percent;**  
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54 **As used in this subsection, the phrase "Missouri average unemployment rate" means the**  
55 **average statewide unemployment rate during the three months of the most recent third**  
56 **calendar year quarter.**

57 **6.** In the event that benefits are due a deceased person and no petition has been filed for  
58 the probate of the will or for the administration of the estate of such person within thirty days  
59 after his or her death, the division may by regulation provide for the payment of such benefits  
60 to such person or persons as the division finds entitled thereto and every such payment shall be  
61 a valid payment to the same extent as if made to the legal representatives of the deceased.

62 [6.] **7.** The division is authorized to cancel any benefit warrant remaining outstanding  
63 and unpaid one year after the date of its issuance and there shall be no liability for the payment  
64 of any such benefit warrant thereafter.

65 [7.] **8.** The division may establish an electronic funds transfer system to transfer directly  
66 to claimants' accounts in financial institutions benefits payable to them pursuant to this chapter.  
67 To receive benefits by electronic funds transfer, a claimant shall satisfactorily complete a direct  
68 deposit application form authorizing the division to deposit benefit payments into a designated  
69 checking or savings account. Any electronic funds transfer system created pursuant to this  
70 subsection shall be administered in accordance with regulations prescribed by the division.

71 [8.] **9.** The division may issue a benefit warrant covering more than one week of  
72 benefits.

73 [9.] **10.** Prior to January 1, 2005, the division shall institute procedures including, but  
74 not limited to, name, date of birth, and Social Security verification matches for remote claims  
75 filing via the use of telephone or the internet in accordance with such regulations as the division  
76 shall prescribe. At a minimum, the division shall verify the Social Security number and date of  
77 birth when an individual claimant initially files for unemployment insurance benefits. If  
78 verification information does not match what is on file in division databases to what the  
79 individual is stating, the division shall require the claimant to submit a division-approved form  
80 requesting an affidavit of eligibility prior to the payment of additional future benefits. The  
81 division of employment security shall cross-check unemployment compensation applicants and  
82 recipients with Social Security Administration data maintained by the federal government at least  
83 weekly. The division of employment security shall cross-check at least monthly unemployment  
84 compensation applicants and recipients with department of revenue drivers license databases.

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