

SECOND REGULAR SESSION

# HOUSE BILL NO. 1862

## 100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MORGAN.

4369H.011

DANA RADEMAN MILLER, Chief Clerk

### AN ACT

To repeal section 288.060 as enacted by house bill no. 150, ninety-eighth general assembly, first regular session, and section 288.060 as enacted by house bill no. 163, ninety-sixth general assembly, first regular session, and to enact in lieu thereof one new section relating to employment security.

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

Section A. Section 288.060 as enacted by house bill no. 150, ninety-eighth general assembly, first regular session, and section 288.060 as enacted by house bill no. 163, ninety-sixth general assembly, first regular session, are repealed and one new section enacted in lieu thereof, to be known as section 288.060, to read as follows: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~~

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.

16 dollar amount. Pay received by an eligible insured worker who is a member of  
17 the organized militia for training or duty authorized by Section 502(a)(1) of Title  
18 32, United States Code, shall not be considered wages for the purpose of this  
19 subsection.

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

38 ~~5. The duration of benefits payable to any insured worker during any~~  
39 ~~benefit year shall be limited to:~~

40 ~~(1) Twenty weeks if the Missouri average unemployment rate is nine~~  
41 ~~percent or higher;~~

42 ~~(2) Nineteen weeks if the Missouri average unemployment rate is~~  
43 ~~between eight and one-half percent and nine percent;~~

44 ~~(3) Eighteen weeks if the Missouri average unemployment rate is eight~~  
45 ~~percent up to and including eight and one-half percent;~~

46 ~~(4) Seventeen weeks if the Missouri average unemployment rate is~~  
47 ~~between seven and one-half percent and eight percent;~~

48 ~~(5) Sixteen weeks if the Missouri average unemployment rate is seven~~  
49 ~~percent up to and including seven and one-half percent;~~

50 ~~(6) Fifteen weeks if the Missouri average unemployment rate is between~~  
51 ~~six and one-half percent and seven percent;~~

52 ~~(7) Fourteen weeks if the Missouri average unemployment rate is six~~  
53 ~~percent up to and including six and one-half percent;~~

54 ~~(8) Thirteen weeks if the Missouri average unemployment rate is below~~  
55 ~~six percent.~~

56  
57 ~~As used in this subsection, the phrase "Missouri average unemployment rate"~~  
58 ~~means the average of the seasonally adjusted statewide unemployment rates as~~

59 published by the United States Department of Labor, Bureau of Labor Statistics;  
60 for the time periods of January first through March thirty-first and July first  
61 through September thirtieth. The average of the seasonally adjusted statewide  
62 unemployment rates for the time period of January first through March thirty-first  
63 shall be effective on and after July first of each year and shall be effective  
64 through December thirty-first. The average of the seasonally adjusted statewide  
65 unemployment rates for the time period of July first through September thirtieth  
66 shall be effective on and after January first of each year and shall be effective  
67 through June thirtieth; and

68 ~~\_\_\_\_\_ (9) The provisions of this subsection shall become effective January 1,~~  
69 ~~2016.~~

70 ~~\_\_\_\_\_ 6. In the event that benefits are due a deceased person and no petition has~~  
71 ~~been filed for the probate of the will or for the administration of the estate of such~~  
72 ~~person within thirty days after his or her death, the division may by regulation~~  
73 ~~provide for the payment of such benefits to such person or persons as the division~~  
74 ~~finds entitled thereto and every such payment shall be a valid payment to the~~  
75 ~~same extent as if made to the legal representatives of the deceased.~~

76 ~~\_\_\_\_\_ 7. The division is authorized to cancel any benefit warrant remaining~~  
77 ~~outstanding and unpaid one year after the date of its issuance and there shall be~~  
78 ~~no liability for the payment of any such benefit warrant thereafter.~~

79 ~~\_\_\_\_\_ 8. The division may establish an electronic funds transfer system to~~  
80 ~~transfer directly to claimants' accounts in financial institutions benefits payable~~  
81 ~~to them pursuant to this chapter. To receive benefits by electronic funds transfer,~~  
82 ~~a claimant shall satisfactorily complete a direct deposit application form~~  
83 ~~authorizing the division to deposit benefit payments into a designated checking~~  
84 ~~or savings account. Any electronic funds transfer system created pursuant to this~~  
85 ~~subsection shall be administered in accordance with regulations prescribed by the~~  
86 ~~division.~~

87 ~~\_\_\_\_\_ 9. The division may issue a benefit warrant covering more than one week~~  
88 ~~of benefits.~~

89 ~~\_\_\_\_\_ 10. Prior to January 1, 2005, the division shall institute procedures~~  
90 ~~including, but not limited to, name, date of birth, and Social Security verification~~  
91 ~~matches for remote claims filing via the use of telephone or the internet in~~  
92 ~~accordance with such regulations as the division shall prescribe. At a minimum,~~  
93 ~~the division shall verify the Social Security number and date of birth when an~~  
94 ~~individual claimant initially files for unemployment insurance benefits. If~~  
95 ~~verification information does not match what is on file in division databases to~~  
96 ~~what the individual is stating, the division shall require the claimant to submit a~~  
97 ~~division-approved form requesting an affidavit of eligibility prior to the payment~~  
98 ~~of additional future benefits. The division of employment security shall~~  
99 ~~cross-check unemployment compensation applicants and recipients with Social~~  
100 ~~Security Administration data maintained by the federal government at least~~  
101 ~~weekly. The division of employment security shall cross-check at least monthly~~

~~unemployment compensation applicants and recipients with department of  
revenue drivers license databases.]~~

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,]~~ **32 U.S.C. Section 502(a)(1)** shall not be considered wages for the purpose of this subsection.

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

34 amount equal to at least five times his or her current weekly benefit amount or wages in an  
35 amount equal to at least ten times his or her current weekly benefit amount.

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

41 6. The division is authorized to cancel any benefit warrant remaining outstanding and  
42 unpaid one year after the date of its issuance and there shall be no liability for the payment of any  
43 such benefit warrant thereafter.

44 7. The division may establish an electronic funds transfer system to transfer directly to  
45 claimants' accounts in financial institutions benefits payable to them pursuant to this chapter.  
46 To receive benefits by electronic funds transfer, a claimant shall satisfactorily complete a direct  
47 deposit application form authorizing the division to deposit benefit payments into a designated  
48 checking or savings account. Any electronic funds transfer system created pursuant to this  
49 subsection shall be administered in accordance with regulations prescribed by the division.

50 8. The division may issue a benefit warrant covering more than one week of benefits.

51 9. Prior to January 1, 2005, the division shall institute procedures including, but not  
52 limited to, name, date of birth, and Social Security verification matches for remote claims filing  
53 via the use of telephone or the internet in accordance with such regulations as the division shall  
54 prescribe. At a minimum, the division shall verify the Social Security number and date of birth  
55 when an individual claimant initially files for unemployment insurance benefits. If verification  
56 information does not match what is on file in division databases to what the individual is stating,  
57 the division shall require the claimant to submit a division-approved form requesting an affidavit  
58 of eligibility prior to the payment of additional future benefits. The division of employment  
59 security shall cross-check unemployment compensation applicants and recipients with Social  
60 Security Administration data maintained by the federal government at least weekly. The division  
61 of employment security shall cross-check at least monthly unemployment compensation  
62 applicants and recipients with department of revenue drivers license databases.

✓