

SECOND REGULAR SESSION

# HOUSE BILL NO. 2494

## 103RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE WEBER.

4347H.01I

JOSEPH ENGLER, Chief Clerk

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### 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.

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and section 288.060 as enacted by house bill no. 163, ninety-sixth general assembly, first regular session, are repealed and one new section enacted in lieu thereof, to be known as section 288.060, to read as follows: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

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.

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

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

40       5. The duration of benefits payable to any insured worker during any  
41       benefit year shall be limited to:

- 42       (1) Twenty weeks if the Missouri average unemployment rate is nine  
43       percent or higher;
- 44       (2) Nineteen weeks if the Missouri average unemployment rate is between  
45       eight and one half percent and nine percent;
- 46       (3) Eighteen weeks if the Missouri average unemployment rate is eight  
47       percent up to and including eight and one half percent;
- 48       (4) Seventeen weeks if the Missouri average unemployment rate is between  
49       seven and one half percent and eight percent;
- 50       (5) Sixteen weeks if the Missouri average unemployment rate is seven  
51       percent up to and including seven and one half percent;
- 52       (6) Fifteen weeks if the Missouri average unemployment rate is between  
53       six and one half percent and seven percent;
- 54       (7) Fourteen weeks if the Missouri average unemployment rate is six  
55       percent up to and including six and one half percent;
- 56       (8) Thirteen weeks if the Missouri average unemployment rate is below  
57       six percent.

58  
59       As used in this subsection, the phrase "Missouri average unemployment rate"  
60       means the average of the seasonally adjusted statewide unemployment rates as  
61       published by the United States Department of Labor, Bureau of Labor  
62       Statistics, for the time periods of January first through March thirty first and  
63       July first through September thirtieth. The average of the seasonally adjusted  
64       statewide unemployment rates for the time period of January first through

65 March thirty first shall be effective on and after July first of each year and  
66 shall be effective through December thirty first. The average of the seasonally  
67 adjusted statewide unemployment rates for the time period of July first  
68 through September thirtieth shall be effective on and after January first of each  
69 year and shall be effective through June thirtieth; and

70 (9) The provisions of this subsection shall become effective January 1,  
71 2016.

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

79 7. The division is authorized to cancel any benefit warrant remaining  
80 outstanding and unpaid one year after the date of its issuance and there shall be  
81 no liability for the payment of any such benefit warrant thereafter.

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

90 9. The division may issue a benefit warrant covering more than one  
91 week of benefits.

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

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12 week in excess of twenty dollars or twenty percent of his or her weekly benefit amount,  
13 whichever is greater, and, if such partial benefit amount is not a multiple of one dollar, such  
14 amount shall be reduced to the nearest lower full dollar amount. Termination pay, severance  
15 pay, or pay received by an eligible insured worker who is a member of the organized militia  
16 for training or duty authorized by ~~Section 502(a)(1) of Title 32, United States Code,~~ 32  
17 **U.S.C. Section 502(a)(1)** shall not be considered wages for the purpose of this subsection.

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

37        5. In the event that benefits are due a deceased person and no petition has been filed  
38 for the probate of the will or for the administration of the estate of such person within thirty  
39 days after his or her death, the division may by regulation provide for the payment of such

40 benefits to such person or persons as the division finds entitled thereto and every such  
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