REPORT ON STATE LEGISLATION

REPORT NO. 5
December 2015

CALIFORNIA  SB 342  ENACTED and EFFECTIVE October 5, 2015
(CH 507)

Administration

Section 3.5 requires the Board to assist the Governor in, among other things, the development and updating of comprehensive state performance accountability measures, including state adjusted levels of performance, to assess the effectiveness of the core programs in the state as required under Section 3141(b) of Title 29 of the U.S. Code. As part of this process, the board, among other things, shall develop a workforce metrics dashboard that measures the state’s human capital investments in workforce development. The workforce metrics dashboard, among other things, shall measure participant earnings in California, and to the extent feasible, in other states. The Employment Development Department shall assist the board by calculating aggregated participant earnings using unemployment insurance wage records, without violating any applicable confidentiality requirements.

Section 3 of California Senate Bill 342 also requires the Board to assist the Governor in many tasks, some of which are identical to the tasks in Section 3.5. Since Section 3.5 became operative and is similar to Section 3, this bill provides that Section 3 shall not become operative.

FLORIDA  Rule 41721  ADOPTED October 5, 2015
EFFECTIVE October 25, 2015

Administration

Requires that initial, additional, initial interstate, and reopened claims be filed and submitted using Florida’s Online Reemployment Assistance System (previously, may be filed on the internet) at www.FloridaJobs.org. Depending on the type of claim being submitted, Florida’s Online Reemployment Assistance System will require responses to questions.

Changes the time limit for filing continued claims for benefits from within 14 calendar days to within 7 calendar days following the scheduled report date as shown on the Online Reemployment Assistance System Confirmation Page, or otherwise communicated to the claimant by the Agency for Workforce Innovation (Department).

Provides that a report is late if not made within 7 days (previously within 14 days) after the scheduled report date shown on the Online Reemployment Assistance System Confirmation
Page, or communicated to the claimant by a Department representative, and the claim will be re-opened effective the first day of the week in which a report is filed.

Provides that, when a claimant is directed to resubmit a continued claim for completion or correction, the scheduled report date will be extended to 7 days (previously 14 days) from the date the claimant was notified that the claim was incomplete or incorrect.

Provides that the Department may make a request in writing or by e-mail for benefit information or documentation from the claimant.

Provides that valid forms of identification include the claimant’s valid social security number and one other approved form of secondary identification, including:

1. Driver’s license issued by a state of the United States, or a Canadian government authority, provided it contains a photograph or identifying information such as name, date of birth, sex, height, and address;
2. Documentation issued by a federal, state, or local government agency that contains a photograph or identifying information such as name, date of birth, sex, height, and address;
3. School identification (ID) card with photograph;
4. United States (U.S.) military ID card, dependent’s ID card, or U.S. Coast Guard Merchant Mariner card;
5. Native American tribal document;
6. U.S. Passport (unexpired or expired); or

Extensions and Special Programs

Provides that employers wishing to participate in the short-time compensation program must apply using Florida’s Online Reemployment Assistance System at www.FloridaJobs.org. Depending on the type of claim being submitted, Florida’s Online Reemployment Assistance System will require responses to questions.

Provides that, when a declared disaster or emergency makes the Florida Online Reemployment Assistance System unavailable, internet application impractical, or when an employer needs special assistance or accommodation, employers who wish to participate in the short-time compensation program may do so by contacting the Department of Economic Opportunity toll-free at 1 (800) 204-2418.

Provides that an employer needs special assistance or accommodation when she or he:

- is legally prohibited from using a computer;
- has an impairment that makes her or him unable to use a computer; or
- is unable to read or write effectively in a language that the Online Reemployment Assistance System makes available.
Provides that, when a declared disaster or emergency makes the Florida Online Reemployment Assistance System unavailable, the Department of Economic Opportunity may also make available the Short-Time Compensation Plan Application, Form DEO RAB/STC-3, which is hereby adopted and incorporated by reference, and which is available on the Department’s website at www.FloridaJobs.org.

Provides that, when the above-noted form is being used, an employer may submit it as follows:

- by contacting the Department toll-free at 1(800)204-2418;
- by mailing it to the Department of Economic Opportunity, Reemployment Assistance Records Unit, P. O. Drawer 5750, Tallahassee, Florida 32314-5750; or
- by delivering it in person to the Department at the Caldwell Building, 107 East Madison Street, Tallahassee, Florida 32399.

**FLORIDA** Rule 41800
ADOPTED August 19, 2015
EFFECTIVE September 8, 2015

**Appeals**

Provides that an appeal may be filed:

- Online at the Department of Economic Opportunity Internet Appeals Program;
- By fax, courier service, or in person to the central Office of Appeals;
- By fax, courier, or in person to the Reemployment Assistance Appeals Commission; or
- Online via the CONNECT system with specified information.

Allows a notice of hearing, continuance of a hearing, or decision to be sent to parties’ designated electronic mailbox for parties.

**NEVADA** Rule 5849
ADOPTED February 5, 2015
EFFECTIVE January 29, 2015

**Coverage**

Provides that full-time active duty Nevada National Guard or Nevada Air National Guard members with 90 days of continuous service will be considered as “employment”. Active National or Air National Guard/Reserve members who are ordered to 90 days or more of continuous active duty or full-time National or Air National Guard duty will be considered employed and upon separation will be eligible to use the wages for an unemployment compensation for Ex-service members (UCX) claim. The Federal government will fund any UCX compensation paid to an unemployed worker whose base period wages include Federal military wages. (Expires May 29, 2015.)

**OHIO** Rule 19995
ADOPTED October 15, 2015
EFFECTIVE October 25, 2015

**Administration**
Establishes procedures for the implementation of any furlough. Permits the Director, Department of Jobs and Family Services, to authorize an appointing authority to furlough employees on a non-permanent basis based on a lack of funding from the Federal government at the appointing authority’s discretion. An appointing authority shall determine which employees are impacted based on the lack of Federal funding.

Requires the appointing authority to pay impacted employees for the loss of federally funded wages while on furlough only if funding for such lost federally funded wages is provided by the Federal government and such funding is specifically designated by the Congress of the United States for such wage reimbursement. Any such reimbursement to an impacted employee shall be offset by any unemployment benefits received by the impacted employee or interim wages of the impacted employee earned while on furlough.

**VIRGINIA HB 1400**
ENACTED and EFFECTIVE March 26, 2015
(CH 665)

Financing

Authorizes the Department of Taxation to charge fees of up to 20 percent of revenues generated pursuant to debt collection initiatives associated with the U.S. Treasury Offset Program to pay the administrative costs of supporting such initiatives. These fees are over and above any fees charged by outside collections contractors and/or enhanced collection revenues deposited to the Virginia Technology Infrastructure Fund.

**VIRGINIA HB 1609**
ENACTED March 27, 2015
(EFFECTIVE July 1, 2015)

**Extensions and Special Programs**

Repeals the short-time compensation program sunset provision that the program will expire on July 1, 2016.