

HOUSE JOINT RESOLUTION NO. 51

Directing the Commission on Unemployment Compensation to study the need for limitations on the eligibility of seasonal or temporary employees for unemployment compensation benefits. Report.

Agreed to by the House of Delegates, February 8, 2008

Agreed to by the Senate, March 4, 2008

WHEREAS, several states have enacted provisions that limit unemployment compensation benefits based on seasonal work to unemployment occurring during the operating period of the seasonal industry; and

WHEREAS, from 1968 until the provision was repealed in 1978, Virginia's unemployment compensation laws provided that seasonal workers were ineligible for benefits except for unemployment occurring during the operating season determined for their base period seasonal employer; and

WHEREAS, §§ 60.2-615 and 60.2-616 continue to limit the eligibility for unemployment benefits for two types of seasonal employment, namely educational institutions and professional athletics; and

WHEREAS, under current Virginia law, there are no restrictions with respect to the calendar dates when benefits may be claimed and paid, provided all qualifying and eligibility requirements are met; and

WHEREAS, the current law has been interpreted to provide that a person employed for a seasonal job that will end on a specified date is not ineligible for unemployment compensation benefits from that employment when the term of the job ends, even if the employee is informed and understands at the commencement of employment that the job will end on a fixed date; and

WHEREAS, the current law, by making a claimant's last 30-day employer chargeable for unemployment compensation benefits received by a former employee, may discourage the hiring of employees for seasonal or temporary employment; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Commission on Unemployment Compensation be directed to study the need for limitations on the eligibility of seasonal or temporary employees for unemployment compensation benefits. In its study, the Commission shall examine the impact on employers, employees, and the solvency of the unemployment trust fund of reinstituting a seasonality provision in the Commonwealth's unemployment compensation laws, and whether a seasonality provision should be limited to specific categories of employment.

The Office of the Clerk of the House of Delegates shall provide administrative staff support. The Division of Legislative Services shall provide legal, research, policy analysis, and other services as requested by the Commission on Unemployment Compensation. Technical assistance shall be provided to the Commission on Unemployment Compensation by the Virginia Employment Commission. All agencies of the Commonwealth shall provide assistance to the Commission on Unemployment Compensation for this study, upon request.

The Commission on Unemployment Compensation shall complete its meetings by November 30, 2008, and the chairman shall submit to the Division of Legislative Automated Systems an executive summary of its findings and recommendations no later than the first day of the 2009 Regular Session of the General Assembly. The executive summary shall state whether the Commission on Unemployment Compensation intends to submit to the General Assembly and the Governor a report of its findings and recommendations for publication as a House or Senate document. The executive summary and report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

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