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HOUSE BILL NO. 955

Offered January 24, 2000

A *BILL to amend and reenact §§ 60.2-528 and 60.2-614 of the Code of Virginia, relating to unemployment compensation benefits.*

Patrons—Jackson, Armstrong, Brink, Crittenden, Darner, Hall, Stump and Tate; Senators: Edwards, Howell and Puckett

Referred to Committee on Labor and Commerce

Be it enacted by the General Assembly of Virginia:

1. That §§ 60.2-528 and 60.2-614 of the Code of Virginia are amended and reenacted as follows:

§ 60.2-528. Individual benefit charges.

A. An individual's "benefit charges" shall be computed in the following manner:

1. For each week benefits are received, a claimant's "benefit charges" shall be equal to his benefits received for such week.

2. For each week extended benefits are received, pursuant to § 60.2-610 or § 60.2-611, a claimant's "benefit charges" shall be equal to one-half his benefits received for such week. However, a claimant's "benefit charges" for extended benefits attributable to service in the employ of a governmental entity referred to in subdivisions 1 through 3 of subsection A of § 60.2-213 shall be equal to the full amount of such extended benefit.

3. For each week partial benefits are received, the claimant's "benefit charges" shall be computed (i) in the case of regular benefits as in subdivision 1 of this subsection, or (ii) in the case of extended benefits as in subdivision 2 of this subsection.

B. 1. The employing unit from whom such individual was separated, resulting in the current period of unemployment, shall be the most recent employing unit for whom such individual has performed services for remuneration (i) during thirty days, whether or not such days are consecutive, or (ii) during 240 hours. If such individual's unemployment is caused by separation from an employer, such individual's "benefit charges" for such period of unemployment shall be deemed the responsibility of the last employer for (i) thirty days or (ii) 240 hours prior to such period of unemployment.

2. Any employer charged with benefits paid shall be notified of the charges quarterly by the Commission. The amount specified shall be conclusive on the employer unless, not later than thirty days after the notice of benefit charges was mailed to its last known address or otherwise delivered to it, the employer files an appeal with the Commission, setting forth the grounds for such an appeal. Proceedings on appeal to the Commission regarding the amount of benefit charges under this subsection or a redetermination of such amount shall be in accordance with the provisions of § 60.2-500. The decision of the Commission shall be subject to the provisions of § 60.2-500. Any appeal perfected pursuant to the provisions of this section shall not address any issue involving the merits or conditions of a claimant's separation from employment.

C. No "benefit charges" shall be deemed the responsibility of an employer of:

1. An individual whose separation from the work of such employer arose as a result of a violation of the law by such individual, which violation led to confinement in any jail or prison;

2. An individual who voluntarily left employment in order to accept other employment, genuinely believing such employment to be permanent;

3. An individual with respect to any weeks in which benefits are claimed and received after such date as that individual refused to accept an offer of rehire by the employer because such individual was in training with approval of the Commission pursuant to § 60.2-613;

4. An individual who voluntarily left employment to enter training approved under § 236 of the Trade Act of 1974 (19 U.S.C. § 2296 et seq.);

5. An individual hired to replace a member of the Reserve of the United States Armed Forces or the National Guard called into active duty as a result of Operation Desert Shield or Operation Desert Storm and whose employment is terminated concurrent with and because of that member's return from active duty; or

6. An individual who left employment voluntarily with good cause due to a personal bona fide medical reason caused by a non-job-related injury or medical condition; or

7. An individual who is receiving benefits during periods that such individual is enrolled in training approved under the federal Trade Act of 1974, if the benefits are payable as the result of the application of the provisions of subsection B of § 60.2-614, notwithstanding the failure of the individual to have performed services, subsequent to the beginning of the immediately preceding benefit year

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60 *during which he received benefits, for an employer as defined in § 60.2-210 for remuneration (i) during*
61 *thirty days, whether or not such days were consecutive, or (ii) for 240 hours.*

62 § 60.2-614. Service required during immediately preceding benefit year in which individual received
63 benefits.

64 A. No individual may receive benefits in a benefit year unless, subsequent to the beginning of the
65 immediately preceding benefit year during which he received benefits, he performed service for an
66 employer as defined in § 60.2-210 for remuneration (i) during thirty days, whether or not such days
67 were consecutive, or (ii) for 240 hours, and subsequently became totally or partially separated from such
68 employment.

69 B. *Notwithstanding the provisions of subsection A, an individual shall not be precluded from*
70 *receiving benefits in a benefit year, notwithstanding the fact that he did not perform service subsequent*
71 *to the beginning of the immediately preceding benefit year during which he received benefits for an*
72 *employer for remuneration during either of the periods described in clause (i) or clause (ii) of*
73 *subsection A, if he is enrolled in training approved under the federal Trade Act of 1974 at the time of*
74 *his application for such benefits; however, such an individual who is not otherwise in compliance with*
75 *the requirements of subsection A shall continue to be eligible to receive benefits only during periods*
76 *that he is enrolled in such approved training.*