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HOUSE BILL NO. 1430

Offered January 14, 2015

Prefiled December 23, 2014

A BILL to amend and reenact § 60.2-528 of the Code of Virginia, relating to unemployment compensation; benefit charges; domestic violence or sexual assault.

Patrons—Herring, Krupicka, Sickles and Simon

Referred to Committee on Commerce and Labor

Be it enacted by the General Assembly of Virginia:

1. That § 60.2-528 of the Code of Virginia is 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 30 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) 30 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 30 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 in connection with an international conflict and whose employment is terminated concurrent with and because of that member's return from active duty;

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;

7. An individual participating as an inmate in (i) state or local work release programs pursuant to § 53.1-60 or 53.1-131; (ii) community residential programs pursuant to §§ 53.1-177, 53.1-178, and 53.1-179; or (iii) any similar work release program, whose separation from work arose from conditions of release or parole from such program;

8. An individual who was unable to work at his regular employment due to a disaster for which the

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59 Governor, by executive order, has declared a state of emergency, if such disaster forced the closure of
60 the employer's business. In no case shall more than four weeks of benefit charges be waived; ~~or~~

61 9. (Expires December 31, 2020) An individual who leaves employment to accompany his spouse to
62 the location of the spouse's new duty assignment if (i) the spouse is on active duty in the military or
63 naval services of the United States; (ii) the spouse's relocation to a new military-related assignment is
64 pursuant to a permanent change of station order; (iii) the location of the spouse's new duty assignment is
65 not readily accessible from the individual's place of employment; and (iv) the spouse's new duty
66 assignment is located in a state that, pursuant to statute, does not deem a person accompanying a
67 military spouse as a person leaving work voluntarily without good cause; or

68 10. *An individual who leaves employment due to circumstances directly resulting from domestic
69 violence or sexual assault, if the Commission has determined that the individual's leaving employment as
70 a result of such circumstances constitutes leaving work for good cause pursuant to § 60.2-618.
71 Circumstances directly resulting from domestic violence or sexual assault shall exist when the individual
72 (i) reasonably fears future domestic violence or sexual assault en route to or from his workplace, (ii)
73 wishes to relocate to avoid future domestic violence or sexual assault against himself or his children, or
74 (iii) reasonably believes that leaving work is necessary for his safety or the safety of his children. An
75 individual may demonstrate the existence of domestic violence or sexual assault by providing any of the
76 following: a restraining order, a police record, medical documentation, a statement by a licensed
77 professional who has assisted the individual in addressing the effects of the domestic violence or sexual
78 assault, or a sworn statement of the individual. Evidence of domestic violence or sexual assault shall be
79 kept confidential and shall not be disclosed by the Commission without the individual's consent. For the
80 purposes of this subdivision, "domestic violence" has the same meaning ascribed to such term in
81 subdivision 7 of § 38.2-508, and "sexual assault" means any criminal sexual assault under Article 7
82 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2.*