

FIRST REGULAR SESSION

SENATE BILL NO. 157

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR WALLINGFORD.

Pre-filed December 5, 2018, and ordered printed.

ADRIANE D. CROUSE, Secretary.

0787S.011

AN ACT

To repeal section 288.100, RSMo, and to enact in lieu thereof one new section relating to unemployment benefits probationary periods.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 288.100, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 288.100, to read as follows:

288.100. 1. (1) The division shall maintain a separate account for each
2 employer which is paying contributions, and shall credit each employer's account
3 with all contributions which each employer has paid. A separate account shall
4 be maintained for each employer making payments in lieu of contributions to
5 which shall be credited all such payments made. The account shall also show
6 payments due as provided in section 288.090. The division may close and cancel
7 such separate account after a period of four consecutive calendar years during
8 which such employer has had no employment in this state subject to
9 contributions. Nothing in this law shall be construed to grant any employer or
10 individuals in the employer's service prior claims or rights to the amounts paid
11 by the employer into the fund either on the employer's own behalf or on behalf
12 of such individuals. Except as provided in subdivision (4) of this subsection,
13 regular benefits and that portion of extended benefits not reimbursed by the
14 federal government paid to an eligible individual shall be charged against the
15 accounts of the individual's base period employers who are paying contributions
16 subject to the provisions of subdivision (4) of subsection 3 of section
17 288.090. With respect to initial claims filed after December 31, 1984, for benefits
18 paid to an individual based on wages paid by one or more employers in the base
19 period of the claim, the amount chargeable to each employer shall be obtained by

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

20 multiplying the benefits paid by a ratio obtained by dividing the base period
21 wages from such employer by the total wages appearing in the base
22 period. Except as provided in this subdivision, the maximum amount of extended
23 benefits paid to an individual and charged against the account of any employer
24 shall not exceed one-half of the product obtained by multiplying the benefits paid
25 by a ratio obtained by dividing the base period wages from such employer by the
26 total wages appearing in the base period. The provisions of this subdivision
27 notwithstanding, with respect to weeks of unemployment beginning after
28 December 31, 1978, the maximum amount of extended benefits paid to an
29 individual and charged against the account of an employer which is an employer
30 pursuant to subdivision (3) of subsection 1 of section 288.032 and which is paying
31 contributions pursuant to subsections 1 and 2 of section 288.090 shall not exceed
32 the calculated entitlement for the extended benefit claim based upon the wages
33 appearing within the base period of the extended benefit claim.

34 (2) Beginning as of June 30, 1951, and as of June thirtieth of each year
35 thereafter, any unassigned surplus in the unemployment compensation fund
36 which is five hundred thousand dollars or more in excess of five-tenths of one
37 percent of the total taxable wages paid by all employers for the preceding
38 calendar year as shown on the division's records on such June thirtieth shall be
39 credited on a pro rata basis to all employer accounts having a credit balance in
40 the same ratio that the balance in each such account bears to the total of the
41 credit balances subject to use for rate calculation purposes for the following year
42 in all such accounts on the same date. As used in this subdivision, the term
43 "unassigned surplus" means the amount by which the total cash balance in the
44 unemployment compensation fund exceeds a sum equal to the total of all
45 employer credit account balances. The amount thus prorated to each separate
46 employer's account shall for tax rating purposes be considered the same as
47 contributions paid by the employer and credited to the employer's account for the
48 period preceding the calculation date except that no such amount can be credited
49 against any contributions due or that may thereafter become due from such
50 employer.

51 (3) At the conclusion of each calendar quarter the division shall, within
52 thirty days, notify each employer by mail of the benefits paid to each claimant by
53 week as determined by the division which have been charged to such employer's
54 account subsequent to the last notice.

55 (4) (a) No benefits based on wages paid for services performed prior to the

56 date of any act for which a claimant is disqualified pursuant to section 288.050
57 shall be chargeable to any employer directly involved in such disqualifying act.

58 (b) In the event the deputy has in due course determined pursuant to
59 paragraph (a) of subdivision (1) of subsection 1 of section 288.050 that a claimant
60 quit his or her work with an employer for the purpose of accepting a more
61 remunerative job with another employer which the claimant did accept and earn
62 some wages therein, no benefits based on wages paid prior to the date of the quit
63 shall be chargeable to the employer the claimant quit.

64 (c) In the event the deputy has in due course determined pursuant to
65 paragraph (b) of subdivision (1) of subsection 1 of section 288.050 that a claimant
66 quit temporary work in employment with an employer to return to the claimant's
67 regular employer, then, only for the purpose of charging base period employers,
68 all of the wages paid by the employer who furnished the temporary employment
69 shall be combined with the wages actually paid by the regular employer as if all
70 such wages had been actually paid by the regular employer. Further, charges for
71 benefits based on wages paid for part-time work shall be removed from the
72 account of the employer furnishing such part-time work if that employer
73 continued to employ the individual claiming such benefits on a regular recurring
74 basis each week of the claimant's claim to at least the same extent that the
75 employer had previously employed the claimant and so informs the division
76 within thirty days from the date of notice of benefit charges.

77 (d) No charge shall be made against an employer's account in respect to
78 benefits paid an individual if the gross amount of wages paid by such employer
79 to such individual is four hundred dollars or less during the individual's base
80 period on which the individual's benefit payments are based. Further, no charge
81 shall be made against any employer's account in respect to benefits paid any
82 individual unless such individual was in employment with respect to such
83 employer longer than a probationary period of [twenty-eight] **ninety** days, if such
84 probationary period of employment has been reported to the division as required
85 by regulation.

86 (e) In the event the deputy has in due course determined pursuant to
87 paragraph (c) of subdivision (1) of subsection 1 of section 288.050 that a claimant
88 is not disqualified, no benefits based on wages paid for work prior to the date of
89 the quit shall be chargeable to the employer the claimant quit.

90 (f) In the event the deputy has in due course determined under paragraph
91 (e) of subdivision (1) of subsection 1 of section 288.050 that a claimant is not

92 disqualified, no benefits based on wages paid for work prior to the date of the quit
93 shall be chargeable to the employer the claimant quit.

94 (g) Nothing in paragraph (b), (c), (d), (e), or (f) of this subdivision shall in
95 any way affect the benefit amount, duration of benefits or the wage credits of the
96 claimant.

97 2. The division may prescribe regulations for the establishment,
98 maintenance, and dissolution of joint accounts by two or more employers, and
99 shall, in accordance with such regulations and upon application by two or more
100 employers to establish such an account, or to merge their several individual
101 accounts in a joint account, maintain such joint account as if it constituted a
102 single employer's account.

103 3. The division may by regulation provide for the compilation and
104 publication of such data as may be necessary to show the amounts of benefits not
105 charged to any individual employer's account classified by reason no such charge
106 was made and to show the types and amounts of transactions affecting the
107 unemployment compensation fund.

Bill ✓

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